

Exhibit 2

AFFIDAVIT

THE STATE OF TEXAS §

COUNTY OF WALKER §

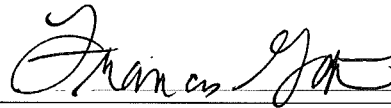
BEFORE ME, the undersigned authority, on this day personally appeared Frances Gattis, who, being by me duly sworn, deposed as follows:

My name is Frances Gattis, and I am a Deputy Division Director of the Administrative Review and Risk Management Division of the Texas Department of Criminal Justice (TDCJ), a governmental agency. My duties include overseeing the management of the Offender Grievance department. I am executing this affidavit as part of my assigned duties and responsibilities. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

I am the custodian of record of the *Offender Grievance Operations Manual (OGOM)*, which includes, among other things, the TDCJ offender grievance procedures and instructions for offenders on how to write and submit grievances. Attached is a true and correct copy of the *OGOM including the appendices*. The *OGOM* is maintained in the regular course of business by the TDCJ.

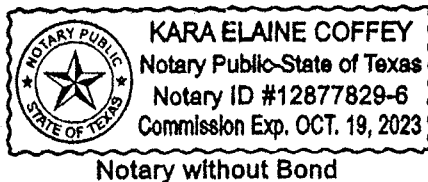
I declare under penalty of perjury that the foregoing is true and correct.

“Further Affiant sayeth not.”



Frances Gattis
Deputy Division Director
Administrative Review and Risk Management
Texas Department of Criminal Justice

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned notary public, on the 15th day of April, 2020.


NOTARY PUBLIC, STATE OF TEXAS
Notary's Printed Name

My Commission Expires:

10/19/23

TEXAS DEPARTMENT OF CRIMINAL JUSTICE



**ADMINISTRATIVE REVIEW
&
RISK MANAGEMENT**

DIVISION

Offender Grievance Operations Manual

(Revised 09/14)

**OFFENDER GRIEVANCE OPERATIONS MANUAL
TABLE OF CONTENTS**

- i.** Introduction
 - ii.** Mission Statement, Philosophy, and Goals
 - iii.** Confidentiality
 - iv.** Grievance Procedures
-
- I. Step 1 Grievance Procedures**
 - 1.01** Step 1 Grievances
 - 1.02** Step 1 Grievance Screening
 - 1.03** Step 1 Emergency Grievances – Non PREA Allegations
 - 1.04** PREA Allegations
 - 1.05** Regular Grievances
 - 1.06** Staff Use of Slurs or Hostile Epithets
 - 1.07** Step 1 Property Grievances
 - 1.08** Step 1 Disciplinary Appeals
 - 1.09** Step 1 Medical Grievances
 - 1.10** Transferring Step 1 Grievances (TG) to the Unit of Incident
 - 1.11** Step1 Unit Records & File Management
 - 1.12** Step 2 Grievances Received at Unit
 - II. Step 2 Grievance Procedures**
 - 2.01** Step 2 Grievances
 - 2.02** Step 2 Grievance Sorting and Prioritizing
 - 2.03** Step 2 Grievance Routing

- 2.04** Step 2 Grievance Screening
- 2.05** Step 2 Emergency Grievances
- 2.06** Step 2 Functional Area Proponent Grievances
- 2.07** Step 2 Property Grievances
- 2.08** Step 2 Disciplinary Appeals
- 2.09** Step 2 Medical Grievances
- 2.10** Final Step 2 Grievance Process

III. Grievance Codes

- 3.00** Grievance Codes

IV. Times Limits

- 4.00** Grievance Time Limits

V. Translations

- 5.00** Translations

VI. Transportation Grievances

- 6.00** Transportation Grievances

VII. OIG Referrals

- 7.00** Office of the Inspector General (OIG) Referrals

VIII. Completing E-Form

- 8.00** Completing the E-Form

IX. Third Party Grievances

- 9.00**

X. Appendix

- A. Grievance Forms List
- B. Instructions on How to Write and Submit Grievances (English / Spanish) – OG-02
- C. Non-Grievable Issues Return Form
- D. Issue Codes Table of Contents / Issue Codes List

- E. Grievance Codes
- F. Step 1 Offender Grievance Form, English and Spanish – I- 127
- G. Step 2 Offender Grievance Form, English and Spanish – I-128
- H. Grievance Investigation Worksheet – OG-01
- I. Emergency Checklist – OG-004
- J. Fact Sheet for OIG Investigation OG-009 (J1-Step1, J2-Step2)
- K. Disciplinary Worksheet and Document Checklist – OG-005
- L. Documents and Forms Required for Investigation of Medical Grievances Checklist
- M. Notice of Extension – OG-007
- N. Property Settlement Agreement Form
- O. Monetary Reimbursement Agreement Form
- P. Definitions
- Q. AD-02.29, “Records Management”, Attachment, A – Records Disposition Log
- R. Staff Use of Slurs or Epithets Referral Form
- S. New Grievance Employee Training Verification Form
- T. Offender Grievance Operations Manual Employee Verification Form
- U. Third Party Preliminary Investigation Form
- V. Resolution Codes
- W. Restricted and Confidential Form

INTRODUCTION

An effective grievance program extends far beyond the staff of the grievance department. It involves an ongoing commitment to solving problems by each staff member at every unit. One sign of a well-managed correctional facility is the sensitivity of staff to the problems and complaints of offenders under their care. A large portion of complaints being resolved at the lowest level characterizes an effective grievance mechanism.

The grievance program provides a variety of supportive and protective functions. It gives offenders an alternative to confrontation, thereby increasing facility safety and decreasing offender aggression. The program offers the offender a less formal alternative to litigation, thus saving taxpayers the cost of defending the agency in court. Grievances, when taken collectively, provide a wealth of insight into the daily operations of the unit. Grievances are self-monitoring tools, which help reduce the need for external monitoring, such as the judicial oversight, which the Texas Department of Criminal Justice (TDCJ) has experienced in the past.

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
ADMINISTRATIVE REVIEW AND RISK MANAGEMENT DIVISION
OFFENDER GRIEVANCE PROGRAM**

MISSION: To promote awareness and positive intervention between staff and offenders to identify and resolve issues at the lowest possible level, and to facilitate the flow of information between the units and agency leaders.

PHILOSOPHY: Provide a means for identifying issues and facilitating corrective action, thereby contributing to a safer environment for staff and offenders.

Afford offenders a formal mechanism for review and redress of pertinent issues, and ensure them fair and timely decisions.

Provide agency administrators with current information for direct interaction and proactive planning.

GOALS: Ensure the quality of the Offender Grievance Program.

Ensure offenders utilizing the program receive a timely evaluation and resolution by the appropriate reviewing authorities.

Assess the productivity of the grievance process and procedures.

CONFIDENTIALITY (Rev. 6/2015)

The operation of the Offender Grievance Procedure is a sensitive process. Constant vigilance is required to protect the integrity and effectiveness of the program. The unit grievance investigator (UGI) is entrusted with knowledge of, and access to, grievance documents and information that may only be shared with authorized staff with a clearly defined need to know. Except for this provision, the UGI shall ensure that all grievances and related documentation are kept strictly confidential. The identity of grievant and the nature of complaints are revealed only to the extent reasonable and necessary for a thorough investigation and resolution. Unit grievance staff are defined as UGI, alternate UGIs, and grievance clerks.

Access to locked grievance boxes is restricted to the unit grievance staff and warden.

Unit grievance staff shall collect grievances from offenders who cannot access these boxes for example, when a unit is on lockdown or offenders are housed in administrative segregation.

Grievances, related materials or any other notation regarding a complaint shall not be placed in any file other than the grievance file, unless otherwise noted in this procedure manual. If an offender files a grievance that pertains to a loss of property, or loss of money as a result of legitimate transactions, a reference may be included in his institutional record describing the resolution of the matter. This reference may not give any indication that a grievance was filed.

The UGI will provide staff assisting in the resolution of a grievance only that information necessary to facilitate their involvement.

The UGI will share with the warden any and all pertinent information that may impact the safety and security of the unit.

Grievance investigations and supporting documentation are protected and not available to the offender, or the public through open records. The UGI should seek guidance from the administrator of Offender Grievance if a subpoena or any other request for grievances, or grievance related documents is received.

A grievant is entitled to a written response; however, investigative notes, reports, or written testimony from staff and other offenders should not be provided to the grievant.

Original grievance forms or copies of grievances may not be removed from the grievance office, except for approval and signature by the warden.

Disciplinary action against staff will not be disclosed through the grievance process. Investigations regarding allegations of misconduct or reprisal by staff is privileged information and will not be revealed to the grievant. Documents related to employee disciplinary action such as, employee performance log entries, a letter of instruction or employee disciplinary forms shall not be attached to an offender grievance.

Employee participation in the resolution of grievances is confidential, yet essential to the resolution of problems.

Unit grievance staff and Central Grievance Office (CGO) staff will fold completed Step 1 and Step 2 grievances in a manner that the response and grievance text are not visible, and then tape the grievance to ensure the confidentiality of the document.

The Offender Grievance Program and the Mail System Coordinators Panel (MSCP) will coordinate procedures to ensure the confidentiality of grievance responses is maintained.

Offender Grievance
Summary of Changes September 2014

Note: The OGOM has been completely reorganized

Summary of significant changes:

- **Revised:** Table of Contents
- **Added:** (1.01.I.B.) Offender must have direct access to unit grievance staff without routing grievances through any other staff member. Security staff are not authorized to collect grievances in the collection boxes unless serving as alternate grievance staff.
- **Revised:** (1.02.I.A.2) Screening Criteria #2 Submission in Excess of 1 every 7 days; **Emergency grievances and grievances regarding disciplinary appeals are exempt.**
- **Added:** (1.03.I.D) Code 020 Lethal Injection issues. Shall be processed under the same guidelines as an emergency grievance with an exception for time limits and reporting to the administration. (1.03.II.f.ii) Grievances coded 020 shall be forwarded to the Central Grievance Office for response. **Screening criteria does not apply to miscellaneous grievances.**
- **Added:** (1.03.II.2.A.B): The Warden and Major will be notified for **ALL** emergency grievances.
 - (1.03.A.II.C) Classification and Safe Prisons/PREA Compliance staff will be notified for the following codes: (000, 003, 005, 007, 008, 009, 010, and 014). Code **003** will only be sent to classification if the issue in the grievance involves (*threats of suicide*).
 - (1.03.A.II.D) The Office of the Inspector General (OIG) will be notified for the following codes: (008, 009, 011, 012, 016, 017 and 019).
 - (1.03.A.II.E) Medical will be notified for code 003.
- **Added:** (1.03.IV.D) The Emergency checklist (Appendix I) may be used to identify repetitive emergency grievances; which are grievances that have been previously identified and/or addressed in another grievance. Utilizing the Emergency Checklist, staff shall determine if the issue presented is repetitive in nature by referencing the previous grievance. Grievances that are repetitive in nature or have been previously identified and/or addressed in another grievance will not be considered an emergency grievance and will be processed as a regular grievance. If at any time the person completing the checklist cannot determine if the grievance is in fact repetitive in nature, the grievance will immediately be processed as an emergency grievance according to the guidelines established in the OGOM

Offender Grievance

Summary of Changes September 2014

Revised: (1.04) Code 005 was changed from impermissible offender conduct and privilege issues to:

- **005 code to “Voyeurism”.**
- **Added:** (1.04.I.2): The Major will have 5 calendar days of notification to respond to the email with the action taken in regards to the claims.
- **Added:** (1.04) PREA codes;
 - 005 Voyeurism
 - 016 Third Party Allegations of Sexual Abuse by another offender
 - 017 Third Party Allegations of Sexual Abuse by a staff member
 - 018 the alleged victim declines to file a grievance as a result of a third party complaint
 - 019 the alleged victim agrees to file a grievance as a result of a third party complaint.

Note: allegations of third party sexual harassment will not be addressed

- **Deleted:** Emergency code 001 (Appendix D)
- **Removed:** The term “**Specialty Grievances**” has been removed. The following grievance codes are no longer considered “specialty” grievances and shall be processed as **regular grievances** subject to all screening criteria.
 - Religion codes (100, 101, 102, 104 and 112)
 - Medical codes (607 thru 680)
 - Legal codes (700 thru 713)
 - Staff Complaints codes (800, 801, 802, 803, 804, 805, 806 and 811)
 - Grievance Staff/Procedure codes (903, 904 and 910)
- **Revised:** (1.08.IB): All step 1 **disciplinary appeals** shall be processed within **40** days of receipt from offender.
- **Revised:** (1.10) language changed from “OTT” (Other Transferred Grievance) to “TG” (Transferred Grievance)
- **Added:** (3.00) Resolution Codes (Appendix V)
- **Revised:** (7.00.IA.1) OIG Referrals Issue codes 002 (*physical contact or assault by staff NOT reported through the UOF procedure*), 800, 801, 802, 005, 008, 009, 011, 012, 013, 803, 804 and 805 should all be coordinated with the OIG.
- **Added:** (7.00.II.1-7) OIG Referrals *Grievances that do not describe a reported use of force* that was excessive or unnecessary do not warrant any further action and shall be considered **not grievable**. Attach a copy of (Appendix C).

Offender Grievance

Summary of Changes September 2014

- **Added:** (7.00.I.C.3) *Documented UOF Excessive or unnecessary* (codes: 800, 801 and 802) shall be forwarded to the unit warden or designee to be reviewed during the Employee Use of Force Fact Finding Inquiry.
- **Revised:** Appendix J to Appendix J-1 for Step 1 and Appendix J-2 for Step 2
- **Revised:** Appendix C, Non-Grievable Issues
 - **Removed** section that pertains to receiving screened step 2 grievances from an offender.
 - **Added** section pertaining to grievances involving reported uses of force.
- **Revised:** Appendix D, Issue Codes.
 - **Deleted** code (212)
 - **Added** code (400); Due Process and Procedural Rights Violations
 - **Deleted** codes (005, 401, 402, 404, 405, 406, 408, 409, 412, 413, 414, 415, 416, 418, 419, 421, 422, 423)
 - **Revised** code (800)
- **Revised:** Appendix H;
 - **Removed** signature box
 - **Added** Continuation Statement Page
- **Revised:** Appendix M to reflect new time frames
- **Revised:** Appendix N, revised form to reflect numbering and enlargement
- **Revised:** Appendix P was changed from a (Use of Force routing sheet) to a Definitions section.
- **Added:** Appendix U; Third Party Preliminary Investigation
- **Added:** Appendix V; Resolution Codes

Note: Once the revised OGOM is implemented, we will begin to code grievances with only one issue code per grievance. At that time, the issue code fields will be restricted as needed and the GR00 will also be updated to automatically calculate the correct due dates.

NUMBER: OGOM 1.01 Step 1 Grievances
DATE: SEPTEMBER 2014 (Rev. 4/2017)
PAGE: 1 of 4

SUBJECT: Step 1 Grievances

PURPOSE: To establish procedures and guidelines for processing Step 1 grievances.

PROCEDURES:

Unit grievance staff, to include grievance investigators, alternate investigators, and grievance clerical staff, shall collect grievances each workday except mandatory training days, from grievance boxes located throughout the unit. Grievances may be received directly from offenders.

I. Collection of Grievances

- A. The location of grievance boxes shall be accessible to offenders and locked. Access to locked grievance boxes is restricted to the unit grievance staff and warden.
- B. Offenders must have direct access to unit grievance staff without routing grievances through any other staff member. Security officers are not authorized to collect grievances in the collection boxes unless serving as alternate grievance staff. Grievance boxes may be placed in any of the following locations, as appropriate:
 - 1. Main hallway;
 - 2. Adjacent to dining hall entry door, commissary, or shower;
 - 3. Inside or adjacent to each housing area;
 - 4. Any other area accessible to offenders and approved in writing by the administrator of Offender Grievances.
- C. Grievances shall be collected in the same manner for the offenders confined to administrative segregation, solitary confinement, or on lockdown status, to ensure that each offender is afforded unimpeded access to the offender Grievance Procedure.

II. Sorting and Prioritizing

- A. After the grievance collection, grievance staff shall immediately review grievances for **emergency** issues and those identified as such shall be given **immediate attention**. Emergency grievances are exempt from all screening criteria. Grievance staff shall then determine the appropriate issue code that identifies the offender's complaint using *Appendix-D (Issue Codes)*.
- B. Grievance staff shall complete the "Office Use Only" sections of the I-127 grievance form (*Appendix F*); grievance #, date received, date due, grievance code, investigator ID #, extension date, date returned to offender.
- C. Grievances that do not qualify as an emergency or warrant special consideration may be screened. The unit grievance staff shall screen grievances and return to an offender unprocessed with the appropriate screening criteria marked on the back of the form, and the "Office Use Only" box completed. Screened grievances will not have a printed response. A copy of all screened grievances shall be retained in the offender's grievance file.

NUMBER: OGOM 1.01 Step 1 Grievances
 DATE: SEPTEMBER 2014 (Rev. 4/2017)
 PAGE: 2 of 4

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- D. Grievance staff shall make every effort to identify the offender for grievances received without an offender's name, number, or signature.
 - E. Grievance staff shall place the grievance in a **Dead File** with written justification stating why the issue was not addressed when the **offender cannot be identified**.
 - F. Grievances submitted written in pencil shall be copied and the copy shall be utilized as an original grievance. Grievance staff shall write and highlight "Accepted as Original" at the top of the new original. The grievance written in pencil shall be added to the completed investigative documentation.
 - G. During an interview or investigation if offender states that he did not submit a grievance, the UGI shall acquire an offender statement on the OG-O1 (Appendix H), Continuation Statement, attach a statement to the grievance, and file both forms in the offender's grievance file. **Emergency related issues shall require a copy of the OG-01 statement from the Safe Prisons Sergeant or above indicating the result of the investigation.** Additional steps (handwriting samples, additional interviews, and Security Threat Group or Safe Prison/PREA Compliance inquiries) may be taken to ensure the offender was not coerced into recanting or denying the grievance submission. The UGI shall send a TDCJ email to the administrator and assistant administrator requesting that the grievance be administratively closed. The following information shall also be forwarded by fax:

Please administratively close the following grievance:

Grievance to be administratively closed: 20XXXXXXXX
 Unit, Offender name and TDCJ #.

A copy of the offender's signed written statement on Appendix H.

- H. Unit supervisory staff and department heads shall actively participate in the investigation and resolution of Step 1 grievance issues as they apply to their respective area of responsibility.

III. Grievances That Qualify For Processing

- A. **All grievances must be entered into the GR00 Case Tracking System and assigned to an investigative analyst on the date received.**
- B. The UGI shall enter grievance information into GR00 Tracking system:
 - 1. The subject line shall be a brief description of the subject of the grievance, e.g. staff name. The information contained in the subject line shall not be redundant of the issue code.
 - 2. Line #1 of the comment section shall be a brief description of the allegation; e.g. "threw offender's book on the floor." Line #2 shall be a brief summary of the grievance. Reserve line #3 for Step 2 use.
- C. The GR00 Case Tracking System shall be updated at each stage of the grievance process. When errors are identified, the UGI is authorized to correct 'data entry' errors, but must include a justification statement in the comment section. When closing a grievance the date entered will be the date the data entry was made. ***Backdating any record is unacceptable.***
- D. Grievances created in error, such as an incorrect TDCJ# entered, must be reported to the Central Grievance Office via email. The email shall include the reason for the deletion, the offender name, TDCJ#, the incorrect grievance number, and the corrected grievance number. No additional

NUMBER: OGOM 1.01 Step 1 Grievances
 DATE: SEPTEMBER 2014 (Rev. 4/2017)
 PAGE: 3 of 4

information is to be added to the GR00 comment section for that grievance record after the deletion has been requested. The following email format shall be used when requesting deletion of a record:

Please delete the following grievance that was entered in error:

Grievance to be deleted: 20XXXXXXXXX
 Unit, Offender name and TDCJ #

Correct Grievance: 20XXXXXXXXX
 Unit, Offender name and TDCJ#

IV. Grievance Investigation

- A. Unit grievance staff shall complete the OFFICE USE ONLY box on the OG-01 (*Appendix-H*) worksheet and forward it to the appropriate department head for investigation, suggested response, and signature on the worksheet.
- B. Unit grievance staff shall make a copy of only the narrative portion of the grievance and provide it to the department head if it is not possible to accurately summarize the grievance.
- C. Staff involved in the subject matter presented in the grievance are not to investigate or provide resolution of the grievance, to include the signature authority.
- D. Unit grievance staff shall ensure that the OG-01, including a recommended response, signature, and all investigative notes are completed and returned within ten working days. Additional time may be requested by contacting the unit grievance staff; however, the 40 day time limit still applies.
 - 1. The 'Employee Statement' and "Supervisor Comment' sections shall be completed, signed and dated.
- E. Unit grievance staff shall review staff statements for quality and appropriateness before formulating a response and forwarding to the warden for a signature.
- F. Completed grievance investigations shall be forwarded to the signature authority for signature. The appropriate signature authority shall sign all grievances before returning to the offender.

V. Signature Authority

- A. The signature authority for Step 1 grievances is the warden, assistant warden, health services administrator, unit practice manager, director of nursing, or nurse administrator, as appropriate.
- B. In the event that the signature authority is the subject of an offender's grievance, the appropriate regional director or medical supervisor, shall be the signature authority. The mere mention of a signature authority in a grievance does not preclude that person from signing the grievance.
- C. Grievance staff shall be responsible for notifying the warden of any information that may impact the safety and security of the unit.
- D. The administrator for Offender Grievances reserves the right to authorize the processing of any grievance regardless of screening criteria.

NUMBER: OGOM 1.01 Step 1 Grievances
DATE: SEPTEMBER 2014 (Rev. 4/2017)
PAGE: 4 of 4

VI. Final Step 1 processing

- A. A copy of the Step 1 grievance and all investigative documentation shall be maintained in a file folder labeled with the offender's name and TDCJ number.
- B. Grievance staff shall fold and tape completed Step 1 grievances that are being returned to offenders in a manner that the response and grievance text are not visible.
- C. Grievance staff shall review the TDCJ mainframe computer screens to determine an offender's current housing location and correct the housing location on the grievance form if the offender has moved.
- D. Grievances for offenders, who have transferred to another unit, shall be forwarded to the offender's current unit of assignment. The UGI that forwards the completed grievance the UGI at the offender's current unit of assignment. The 'Date Retd to Offender' section is completed by the UGI on the offender's current unit of assignment when the grievance is returned to the offender.
- E. Completed grievances for offenders who have discharged from TDCJ, shall be maintained in the offenders' inactive grievance file. If the offender provided a forwarding address to Grievance staff, the grievance may be mailed to address provided.
- F. The folded grievances shall be delivered to the unit mailroom for distribution to the offenders.

VII. Reprisals

- A. Reprisal, to include harassment or retaliation, for participation in the Offender Grievance Procedure is a serious matter that is considered a violation of an offender's access to courts rights.
- B. Evidence of reprisals must be forwarded to the Office of the Inspector General in accordance with the guidelines included in this manual under section ***7.00 Office of the Inspector General Referrals.***
- C. An offender shall not receive a disciplinary case for a grievance submitted in bad faith.

NUMBER: OGOM 1.02 Step 1 Grievance Screening
DATE: SEPTEMBER 2014 (Rev. 5/16/2016)
PAGE: 1 of 4

SUBJECT: Step1 Grievance Screening

PURPOSE: To establish procedures and guidelines for screening Step 1 Grievances.

PROCEDURES:

Offender grievances that do not qualify for processing utilizing the definition of the screening criteria may be returned to the offender unprocessed. Screened grievances do not require investigation, response, or an approving signature.

I. Screening Criteria

All grievance staff is expected to apply good correctional practice and exercise sound judgment when applying the screening criteria. If any level of uncertainty exists concerning the applicability of screening criteria, **grievance staff should err on the side of caution**, and process the grievance.

- A.** Listed below are the screening criteria that may be applied. Each applicable criterion must be checked and the grievance entered into the GR00 before returning to the offender unprocessed. When multiple screening criteria exist, criterion 1, 8, & 9 shall not be used in combination with screening criteria eligible for correction and resubmission.

Note: The criterion with an asterisk (*) are eligible for correction and resubmission.

1. Grievance time period has expired.

Offenders have 15 days to file a grievance, beginning from the date of the alleged incident or when the offender should have knowledge of the incident. When a grievance is returned to an offender unprocessed, the offender is afforded 15 days from the date of return to resubmit any correctable Step 1 grievance. Grievances will be accepted for review up to and including the first working day beyond the 15 day time limit, whether at the initial submission or resubmission of the grievance. Grievances received after that time may be returned to the offender unprocessed and they are not eligible for correction.

***Note:** When calculating the 15 day time limit, consideration must be given for the number of days grievances were not collected, such as holidays that fall during the workweek or weekends. Grievances received after that time may be returned to the offender unprocessed.*

2. Submission in excess of 1 every 7 days. *

Emergency grievances, medical grievances and grievances regarding disciplinary appeals are exempt. Only one Step 1 grievance may be processed every seven days, based on the date of the last processed Step 1 grievance entered in the GR00 Case Tracking System. The 1 in 7 criteria may be determined by reviewing the GR00 Screen 18. Unprocessed grievances, such as those ending in "99", are not counted when determining the one in seven criteria. Grievances submitted in excess of one every seven days may be returned to the offender unprocessed. Begin calculating the 7 day time period on the date the grievance is picked up.

3. Original not submitted. *

Offender grievances must be submitted in original form. Carbon copies are not considered original documents; even if the original signature is documented on the signature line. Every effort will be made to make grievance forms available to all offenders; however, any document in original form, identifiable as a grievance, will be considered for processing. Grievances that are not signed by the offender, or when an offender writes a name on the grievance other than his name of commitment such as, a Muslim name or an alias, the grievance may be returned unprocessed.

NUMBER: OGOM 1.02 Step 1 Grievance Screening
 DATE: SEPTEMBER 2014 (Rev. 5/16/2016)
 PAGE: 2 of 4

4. Inappropriate/excessive attachments. *

Offenders must state the nature of the grievance **on a single grievance form** in the space provided. Agency documents such as answered sick call request forms, answered I-60's, inventories, and receipts which substantiate or further prove the offender's allegations should be accepted and the grievance processed. Unofficial documents, continuation pages, informal legal-like documents, petitions, unanswered I-60's or sick call requests, and drawings will not be accepted. Items such as insects, food particles, or similar items will not be accepted as attachments. Grievances submitted with excessive or inappropriate attachments may be returned to the offender unprocessed.

5. No documented attempt at informal resolution. *

Offenders must document an attempt to informally resolve the issue prior to filing a Step 1 grievance. Any documented attempt noted in the appropriate space of the grievance form will fulfill this requirement. The method or appropriateness of the attempt will not be scrutinized. Offenders may contact medical staff regarding non-emergent medical concerns by submitting an I-60 Request to Official. Offender grievances that do not include a documented attempt at an informal resolution may be returned to the offender unprocessed.

NOTE: Informal resolution is not appropriate for grievances involving disciplinary appeals.

6. No requested relief is stated. *

Offenders must document a request for action to resolve the claim in the space provided on the grievance form. The requested relief often provides valuable information and is helpful to unit grievance staff when assigning an issue code to the grievance. If the offender fails to include a request for relief, the grievance may be returned to the offender unprocessed.

7. Malicious use of vulgar, indecent, or physically threatening language directed at an individual. * Grievances that contain blatant or malicious use of vulgar, indecent, or physically threatening language directed **at any individual** may be returned to the offender unprocessed. Threats of physical harm to staff should be reported to unit officials. The administrator for Offender Grievances must be contacted prior to using a grievance as the basis for a disciplinary case.

8. The issue presented is not grievable.

Offender grievances regarding issues that are not grievable, as specified in AD-03.82, "Management of Offender Grievances", and may be returned to the offender unprocessed.

- a. State and federal court decisions, as well as laws and regulations.
- b. Parole decisions.
- c. Time served credit disputes.
- d. Matters for which other formal appeal mechanisms exist. For example, correspondence rules provide a separate mechanism for appealing the rejection of correspondence, publications, negative mailing list and other similar documents utilizing the Director's Review Committee.
- e. Any matter beyond the control of the agency.

NUMBER: OGOM 1.02 Step 1 Grievance Screening
DATE: SEPTEMBER 2014 (Rev. 5/16/2016)
PAGE: 3 of 4

Claims regarding time served credit disputes or decisions by the Director's Review Committee (DRC) are not considered grievable. Unit grievance staff shall attach the Non-Grievable Issues form (Appendix C) directing the offender to the appropriate department. A grievance regarding the requirement to gather DNA samples is not grievable. *Grievances involving a reported use of force with allegations that do not describe the incident as excessive or unnecessary are not grievable.*

9. Redundant Issue.

This screening criterion may be used to manage offenders who continue to file grievances on issues already addressed in a previous grievance. When this criterion is used, the previous grievance number must be documented in the space provided on the back of the Step 1 grievance form, as well as entered into the GR00 designated field.

10. Illegible/incomprehensible.*

Offender grievances that are illegible or incomprehensible may be returned to the offender unprocessed. If this criterion is continually utilized for the same offender, the grievance investigator will interview the offender to ensure the offender knows how to submit a grievance and there are no issues being missed that should be addressed.

11. Inappropriate*

- a. Grievances requesting disciplinary action against an employee, such as a reprimand, termination, counseling, or disciplinary action.
- b. Request for compensation as a result of consequential or punitive damages returned to the offender unprocessed.

II. Grievances that do not qualify for processing

- A. Unit grievance staff shall date stamp the grievance form at the end of the narrative, as well as any section the offender has left blank, such as, no documented attempt at informal resolution; no requested relief stated; or no signature included.
- B. Unit grievance staff will check the appropriate box indicating all applicable screening criteria on the back of the I-127 grievance form. In the OFFICE USE ONLY box record the screening criteria applied, "99" code used, the date the grievance was received and returned to the offender, and the Unit grievance staff initials. Unit grievance staff will print and sign their name on the signature line provided.
- C. Grievances screened for the following may not be corrected and resubmitted at Step 1:
 - #1 grievable time period has expired
 - #8 the issue presented is not grievable
 - #9 Redundant of another grievance

NUMBER: OGOM 1.02 Step 1 Grievance Screening
 DATE: SEPTEMBER 2014 (Rev. 5/16/2016)
 PAGE: 4 of 4

- D. The screened grievance is entered into the GR00 using one of the “99” issue codes. Unit grievance staff shall enter the subject of the grievance in the GR00 subject line. A brief summary of the grievance shall be entered on line #2 in the comment section, and the screening criteria in the designated field. Up to three criteria may be entered in the designated field.
- E. Unprocessed grievances are closed with an “H” outcome code on the same date received. When unit grievance staff enters the issue code ending in “99”; the GR00 automatically enters the dates and closes the grievance with an “H” outcome code. However, if unit grievance staff enters a different issue code other than one ending in “99” and then realizes it is eligible to be screened, The Unit grievance staff shall have to manually enter all date fields, as well as the “H” outcome code into GR00.
- F. The Step 1 record for unprocessed grievances should never be edited or deleted, except as required by the TDCJ Records Retention Schedule, data entry errors refer to OGOM 1.01.D . Offenders will have 15 days from the date the grievance is screened to correct and resubmit the original grievance for processing.
- G. Grievances returned to offenders unprocessed will not count when considering the one every seven days screening criteria.
- H. A copy of the unprocessed grievance shall be placed in the offender’s grievance file and the original returned to the offender.

Note: Generally, comments written on returned grievances are discouraged; however, simple guidance may be useful to assist the offender when correcting and resubmitting the grievance. Unit grievance staff should be mindful if the comment includes more than a few words of simple guidance, the grievance should be processed as a regular grievance, to include investigation, response, and a signature by the warden.

III. Screening Documentation

- A. When screening grievances, unit grievance staff shall complete the ‘OFFICE USE ONLY’ section on the back of the grievance form. A resubmitted screened grievance that is ***not corrected*** shall not be re-entered into the GR00 case tracking system for a new number. Unit grievance staff shall fill in the ‘2nd Submission’ section using the previous grievance number and screening criteria.
- B. When the offender re-submits a screened grievance with corrections for the original error, and the grievance has to be screened again with a new screening criteria, the unit grievance staff shall obtain ***a new grievance number*** from the GR00 case tracking system. The unit grievance staff shall complete the ‘2nd Submission’ section with the new grievance number and screening criteria.
- C. If an offender fails to correct the grievance and resubmits it a third time, the UGI should interview the offender to ensure he knows how to submit the grievance correctly. A copy of the Instructions on How To Write and Submit Grievances should be provided.
- D. If an offender fails to correct the grievance and resubmits it a fourth time, the UGI will attach documentation of the interview to the original grievance and place both in the offender’s grievance file.

NUMBER: OGOM 1.03 Step 1 Emergency Grievances – Non PREA Allegations
DATE: SEPTEMBER 2014 (Rev. 4/2017)
PAGE: 1 of 3

SUBJECT: Step 1 Emergency Grievances – **Non PREA Allegations**

PURPOSE: To establish procedures and guidelines for processing Step 1 emergency grievances.

PROCEDURES:

An emergency grievance is a written complaint about matters that would subject an offender to a substantial risk of personal injury or cause other serious or irreparable harm. Emergency grievances are not eligible for screening or extension. See the note below for exceptions. Emergency grievances require **immediate written notification** to the appropriate authority for initiating an investigation. Investigations are to be completed and returned to the grievance investigator within ten days to ensure the grievance process is completed within the required 40 day time limit.

I. Types of Emergency Grievances

A. Allegations of Physical Harm or Assault

- **(000) Allegations of physical harm from another offender** – physical contact has occurred
- **(002) Allegations of staff conduct that places an offender in danger** – physical contact or assault by staff of an offender not reported with the use of force procedure
- **(007) Allegations of extortion** Obtaining currency, property, or demanding the performance of an action by coercion, violence, or threat of violence to include sexual favors commissary items or trust fund deposits

B. Medical Emergencies

- **(003) Allegations of a medical emergency** - threats of suicide, chest pains, or difficulty breathing

C. Miscellaneous Emergency Grievances

- **(004) Allegations involving ADA (American Disabilities Act) issues**
- **(006) Allegations of discrimination based on gender or nationality**
- **(020) Allegations involving lethal injection issues**

D. Allegations of Verbal Threats of Physical Harm

- **(014) Allegations of verbal threats of physical harm from another offender**
- **(015) Allegations of verbal threats of physical harm from staff**

NUMBER: OGOM 1.03 Step 1 Emergency Grievances – Non PREA Allegations
DATE: SEPTEMBER 2014 (Rev. 4/2017)
PAGE: 2 of 3

D. Allegations of Sexual Assault, Abuse, Harassment, Voyeurism

- See OGOM 1.04 PREA Allegations
- See OGOM 9.00 Third Party Grievance Procedures

II. Unit Grievance Staff Initial Response and Notification

A. For emergency grievance codes unit grievance staff shall:

1. Immediately telephone the highest ranking security supervisor on duty of the grievance allegations.
2. Notify via TDCJ Mainframe email of the grievance allegations to:
 - a. Unit Wardens (All emergency related allegations) to include code 013.
 - b. Unit Majors (All emergency related allegations) to include code 013.
 - c. Chief of unit classification and Safe Prisons/PREA Compliance staff for codes:
 - i. **000, 007, 014**
 - ii. **003 (only suicide related issues)**
 - d. OIG for codes:
 - i. **002**
 - e. Medical department for code:
 - i. **003**
3. The email shall list each recipient. Do not use mail lists.

B. The unit administration shall provide a completed Offender Protection Investigation (OPI) or Administrative Investigation within ten days of notification.

III. Processing

- A.** Copy the grievance narrative and provide it to a security supervisor as soon as possible.
- B.** A copy of the email listing the recipients, and the major's statement, from the Administrative Investigation, shall be attached to the grievance. The unit grievance staff shall complete the OFFICE USE ONLY section of the OG-01 investigation worksheet, and immediately forward a copy of the narrative portion of the grievance and the worksheet to the warden or designee. The warden or designee shall review and investigate the grievance; document all investigative activity; and return the completed worksheet and all documents to the unit grievance staff, directing the unit grievance staff of how to proceed.
- C.** Grievance staff shall formulate a response for the complaint and send for the warden's review and signature once the investigation is completed.

NUMBER: OGOM 1.03 Step 1 Emergency Grievances – Non PREA Allegations
DATE: SEPTEMBER 2014 (Rev. 4/2017)
PAGE: 3 of 3

IV. Emergency Checklist (Appendix I)

- A.** The emergency checklist shall be used as an efficient tool to identify emergency issues. The checklist includes six questions that may be applied to any grievance that could present an emergency situation. The Checklist should be applied by the unit grievance staff prior to coding and logging the grievance in the GR00. Keep in mind that an emergency may not be stated, but may instead be implied or described in the grievance. If the person completing the checklist answers YES to any of the six questions, the grievance shall immediately be processed as an emergency in accordance with guidelines established in the *TDCJ Safe Prisons Plan*.
- B.** The grievance should be coded in a way that best describes the complaint, and should be processed as a regular grievance subject to all the screening criteria when all questions are answered NO on the emergency checklist. In the event a grievance is unprocessed after the checklist has been applied, a copy of the unprocessed grievance and the original emergency checklist will be attached to the grievance investigation, and maintained in the offender's grievance file. If the emergency checklist was applied after the grievance was coded an emergency, the issue code may be revised, but only after a note is made in the comment section of the GR00 to justify the change.
- C.** The checklist may be applied to any grievance when an emergency claim is not clear. For those grievances involving emergency claims that are obvious or clearly stated, the grievance should be processed and the checklist is not required. Once the checklist is applied and it is still unclear, the UGI should err on the side of caution and process the grievance as an emergency.
- D.** Grievance staff shall determine if the issue presented has been previously addressed in another grievance. When a grievance with emergency allegations is identified as repetitive, grievance staff shall utilize the Emergency Checklist (Appendix I), and the grievance shall be coded and processed as a regular grievance. If at any time the person completing the checklist cannot determine whether the grievance is in fact repetitive in nature, the grievance will immediately be coded and processed as an emergency grievance according to the guidelines established in the OGOM.

NUMBER: OGOM 1.04 PREA Allegations
DATE: SEPTEMBER 2014 (Rev 7/2016)
PAGE: 1 of 3

SUBJECT: PREA Allegations

PURPOSE: To establish procedures and guidelines for initial response, notification, and processing of offender grievances alleging a sexual abuse/harassment incident. All grievances received with allegations of sexual abuse/harassment shall be reported in accordance with the *“Safe Prisons/PREA Compliance Plan”*.

DEFINITIONS:

ALLEGATIONS OF SEXUAL ABUSE BY ANOTHER OFFENDER

An allegation of sexual abuse of an offender by another offender, which includes any of the following acts if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent to refuse:

- **(008) ALLEGATIONS OF SEXUAL ABUSE BY ANOTHER OFFENDER**
(Includes contact between the penis and vulva or the penis and anus of another offender, including Penetration, however slight; contact between the mouth and penis, vulva, or anus; penetration of the anal or genital opening of another offender, however slight, by a hand, finger, object, or other instrument if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse).
- **(009) ALLEGATIONS OF SEXUAL CONTACT BY ANOTHER OFFENDER (Fondling)**
(Any intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner-thigh or the buttocks of another offender, excluding contact incidental to a physical altercation).
- **(016) THIRD PARTY ALLEGATIONS OF SEXUAL ABUSE BY ANOTHER OFFENDER**
A third party grievance received from a fellow offender, or non-incarcerated third party (e.g. staff members, family members, attorneys, and outside advocates) on behalf of an alleged victim that include allegations of sexual abuse, assault or contact by offender

ALLEGATIONS OF SEXUAL ABUSE BY STAFF

An allegation of sexual abuse of an offender, detainee, or resident by a staff member, contractor, or volunteer, which includes any of the following acts, with or without the consent of the offender, detainee, or resident:

- **(011) ALLEGATIONS OF SEXUAL ABUSE BY STAFF**
(Includes contact between the penis and the vulva or the penis and anus, including penetration, however slight; contact between the mouth and the penis, vulva, or anus; contact between the mouth and any body part where the staff member, employee, volunteer, contract employee, official visitor, or agency representative has the intent to abuse, arouse, or gratify sexual desire with or without consent of the offender; and any display by a staff member, employee, volunteer, contract employee, official visitor, or agency representative of his or her uncovered genitalia, buttocks, or breast in the presence of an offender).
- **(012) ALLEGATIONS OF SEXUAL CONTACT BY STAFF (Fondling)**
(Any other intentional contact either directly through the clothing, of or with the genitalia, anus, groin, breast, inner-thigh or the buttocks, that is unrelated to official duties or where the staff member, employee, volunteer, contract employee, official visitor, or agency representative has the intent to abuse, arouse, or gratify sexual desire).

NUMBER: OGOM 1.04 PREA Allegations
 DATE: SEPTEMBER 2014 (Rev 7/2016)
 PAGE: 2 of 3

- **(017) THIRD PARTY ALLEGATIONS OF SEXUAL ABUSE BY STAFF**

A third party grievance received from a fellow offender, or non-incarcerated third party (e.g. staff members, family members, attorneys, and outside advocates) on behalf of an alleged victim that include allegations of sexual abuse, assault or contact by staff.

ALLEGATIONS OF SEXUAL HARASSMENT

- **(005) "VOYEURISM"**

(An invasion of privacy of an offender, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an offender who is using a toilet in his or her cell to perform bodily functions; requiring an offender to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an offender's naked body or of an offender performing bodily functions). (Send to OIG if evidence supports allegations).

- **(010) ALLEGATIONS OF OFFENDER SEXUAL HARASSMENT/ NON-CONTACT SEXUAL ABUSE** *(Unwelcome sexual advances, requests for sexual favors or Verbal comments, gestures or actions of a derogatory or offensive sexual nature by on one offender directed toward another offender. (Send to OIG if evidence supports allegations).*

- **(013) ALLEGATIONS OF STAFF SEXUAL HARASSMENT/ NON-CONTACT SEXUAL ABUSE** *(Sexual Harassment includes-Verbal statements, comments of a sexual nature; demeaning references to gender, derogatory comments about body or clothing; or gestures to an offender. Non-Contact Sexual Abuse is any attempt, threat, or request to engage in sexual abuse or sexual contact, by a staff member, employee, volunteer, contract employee, official visitor, or agency representative) (Send to OIG if evidence supports allegations).*

PROCEDURES:

Grievance staff shall read and code sexual abuse/harassment grievances based on definitions and the nature of the incident presented. All sexual abuse/harassment grievances shall be reported in accordance with the ***Safe Prisons /PREA Compliance Plan***. The following steps shall be utilized when reporting sexual abuse/harassment incidents reported through the grievance process.

I. Unit Grievance Staff Initial Response and Notification

- A. Immediately telephone the highest ranking security supervisor on duty to notify them of all PREA related allegations: **(005,007,008,009,010,011,012,013,016,017,019)**
- B. Notify all unit wardens, majors, Safe Prisons/PREA Compliance staff, and medical department via TDCJ Mainframe email of the grievance allegations **(005,007,008,009,010,016,017,019)**

For issue codes **(007,008,009,010,016,017,019)** add chief of unit classification to the email routing.

For issue codes **(007,008,009,011,016,017,019)** add OIG to the email routing.

*****(005,010,013)** Notify OIG **Only IF** any evidence is discovered to support the allegations.

For issue codes: **(007,008,009,011,012,016,017,019)** add Medical to the email routing.

1. The email shall list each recipient. Do not use email lists.

NUMBER: OGOM 1.04 PREA Allegations
DATE: SEPTEMBER 2014 (Rev 7/2016)
PAGE: 3 of 3

2. Unit administration (**Major**) has five calendar days after notification to respond to the email with the action taken in regards to the claims.
3. The unit administration shall provide a completed Offender Protection Investigation (OPI) or Administrative Investigation within ten days of notification.

II. Processing

- A. Make a copy of the grievance narrative and provide to the security supervisor as soon as possible.
- B. A copy of the email, listing the recipients and the major's statement shall be attached to the grievance as investigative documentation.
- C. Grievance staff shall formulate a response for the complaint upon receiving the completed investigation and send for the warden's signature.

III. Third Party Grievance Processing (Also see OGOM 9.00 Third Party Grievance Procedures)

- A. A third party grievance received from a fellow offender, on behalf of an alleged victim that includes allegations of sexual abuse; sexual assault or sexual contact shall be processed as indicated above in section I.A-B.
- B. Notifications received from a non-incarcerated third party (e.g. staff members, family members, attorneys, and outside advocates) relating to allegations of sexual abuse; sexual assault or sexual contact shall be immediately forwarded to the (PREA) Prison Rape Elimination Act Ombudsman department.
 1. The grievances submitted by a third party shall be coded as follows:
 - **016** allegations of sexual abuse by another offender
 - **017** allegations of sexual abuse by a staff member
 2. Unit grievance staff shall provide the alleged offender victim with the Appendix U form to agree or disagree with the allegations and to have the request processed on his or her behalf.
 3. The alleged offender victim's decision to disagree with the request to be processed on his or her behalf shall be entered into the GR00 with the grievance number entered on the Appendix U form and placed in the offender file. The grievance shall be coded:
 - **018** the alleged victim declines to file a grievance as a result of a third party complaint
 4. The alleged offender victim's decision to agree with the request shall require the alleged victim to complete an I-127 Offender Grievance Form for processing. The grievance shall be coded:
 - **019** the alleged victim agrees to file a grievance as a result of a third party complaint
 - **Reminder: In addition to the (019) issue code, a secondary code will be used to identify the PREA allegation. This is the only time a secondary code will be used on a grievance.**
- C. Offenders and third parties may not submit a grievance on behalf of an offender that does not meet the criteria of **sexual abuse, assault, or contact**.

NUMBER: OGOM 1.05 Regular Grievances
DATE: SEPTEMBER 2014
PAGE: 1 of 1

SUBJECT: Regular Grievances

PURPOSE: To establish specific guidelines for the management of regular grievances.

PROCEDURES:

Grievances other than those categorized as emergency or disciplinary shall be processed as regular grievances, **subject to all screening criteria**. The unit grievance staff shall be responsible for investigating or coordinating the investigation of regular Step 1 grievances.

I. Processing Regular Step 1 Grievances

- A. Unit grievance staff shall complete the OFFICE USE ONLY box on the OG-01 worksheet and forward it to the appropriate department head for investigation, a suggested response, and signature on the worksheet.
- B. Unit grievance staff shall make a copy of only the narrative portion of the grievance and provide it to the department head if it is not possible to accurately summarize the grievance.
- C. Unit grievance staff shall ensure that the OG-01, including a recommended response, signature, and all investigative notes are returned within ten working days. Additional time may be requested by contacting the unit grievance staff; however, the 40 day time limit still applies.
- D. Unit grievance staff shall review staff statements for quality and appropriateness before formulating a response and forwarding to the warden for a signature.

NUMBER: OGOM 1.06 Staff Use of Slurs or Hostile Epithets
DATE: SEPTEMBER 2014
PAGE: 1 of 1

SUBJECT: Staff Use of Slurs or Hostile Epithets

PURPOSE: To establish procedures and guidelines for processing grievance allegations of staff use of slurs and hostile epithets.

PROCEDURES:

Grievances determined to involve allegations of staff use of slurs and hostile epithets shall be processed in accordance with the following guidelines and PD-22 (14b).

I. Allegations

- A. Grievance staff shall use issue code 811 on grievances that involve staff use of slurs or hostile epithets.
- B. Grievances alleging a staff member used slurs or hostile epithets **and** the offender does not state whether any other staff members were present, the unit grievance staff shall interview the offender as to the location of where the alleged incident occurred. If there were only offenders in the area, then acquire a written statement from the staff alleged in the complaint. If the staff member states the incident did not occur, then the grievance is **not** referred. If the staff member states the incident occurred, the grievance is referred.
- C. The unit grievance investigation shall stop when the staff witness states the incident occurred. The grievance and witness statement shall be referred.
- D. The Staff Use of Slurs or Epithets Referral form (Appendix R) shall be completed and forwarded to the warden for referral to the appropriate department. A completed and signed referral form shall be attached to all offender grievances that are referred.
- E. Employee information is confidential. Therefore, employee related information regarding a referral such as an intake number, or any related documents are not to be attached to an offender grievance in order to maintain confidentiality.
- F. Provide the following response on grievances that are referred to the appropriate department:
"The issue regarding staff use of slurs or hostile epithets was referred to the appropriate Agency Official for investigation."

II. Referrals

- A. Grievances and staff statements are referred to the Human Resources Employee Relations Intake Department for TDCJ employees only, when an employee admits to, or a witness states, that they heard another employee use slurs or hostile epithets.
- B. Contract staff referrals are made as follows: Private Facility Contract Monitoring and Oversight Division (PFCMOD) for private facilities and treatment staff, the Office of Professional Standards for medical staff, and the Windham School District General Counsel's Office for Windham staff.

III. Outcome Codes

- A. Outcome Code "O", Referred to Employee Relations for Investigation, shall be used when:
 - 1. A grievance is referred regarding staff use of slurs or hostile epithets.

NUMBER: OGOM 1.07 Step 1 Property Grievances
DATE: APRIL 2015 (Rev 6/2015)
PAGE: 1 of 9

SUBJECT: Step 1 Property Grievances

PURPOSE: To establish procedures and guidelines for processing step 1 property claims.

DEFINITIONS:

Property is defined as any item authorized by TDCJ policy for possession by an offender, to include a Trust Fund account.

Contraband is defined as any item which an offender is prohibited to possess or obtain while in custody, unless the offender received the item as a result of a state or federal court order or legitimately through the litigation process.

PROCEDURES:

When a grievance is determined to involve offender personal property, the unit grievance investigator (UGI) shall review the grievance to determine what statements and documentation are necessary to process the claim. **An investigation for all property claims at step 1 and step 2 shall include a review of all related property documentation:**

I. Step 1 Property Investigation

- A. All step 1 property grievances shall be processed by the unit grievance staff on the unit of incident.
- B. Property grievances shall be forwarded to the ***unit property officer*** for investigation and submission of investigative documents.
- C. When a grievance is determined to involve offender personal property, the unit grievance investigator shall review the grievance to determine what statements and documentation are necessary to process the claim. An investigation for all property claims at Step 1 and Step 2 shall include a review of all related property documentation:
 - Authorized Offender Property (PROP-01)
 - Registered Property Receipts (PROP-02) or I-31
 - Offender Intake Inventory (PROP-03)
 - Intake Money Receipt (PROP-03.1)
 - Storage Container Request and Tracking Log (PROP-04)
 - Storage Container Record (PROP-04.1)
 - Offender Property Inventory (PROP-05) or Personal Property Receipt (I-136)
 - Property Room Log (PROP-06)
 - TDCJ Property Tag (PROP-07)
 - Disposition of confiscated Offender property (PROP-08) or Confiscation/Disposition form (AD-92)
 - Offender Property envelope (PROP-09)
 - Recyclable Items Log (PROP-10)
 - Offender Property Card (PROP-11)
 - Memo Shipping Ticket (MST) or BU-175
- D. Investigative documents to be included with property investigations from the property officer shall include at least one of the following:

NUMBER: OGOM 1.07 Step 1 Property Grievances
DATE: APRIL 2015 (Rev 6/2015)
PAGE: 2 of 9

1. PROP-02, I-31, for registered property.
 2. PROP-05 Offender Property Inventory Form.
 3. PROP-08 Disposition of Confiscated Offender Property Form.
 4. Commissary receipts and purchasing history.
 5. Copies of the offender's banking history.
 6. Mailroom log entries for items purchased from outside vendors.
- E. A written statement from the property room staff alone is insufficient to conclude offender personal property investigations. A statement shall be obtained from staff involved, to include the staff that conducted the inventory or confiscated the property, and anyone who might have handled the property.

Step 1 Investigation

The same investigative process generally applies for both Step 1 and Step 2 grievances. The following was developed to assist the UGI in determining the validity of a property claim. All documentation gathered during the investigation will be attached to the grievance.

- List the missing or damaged property on the OG-01 worksheet. Be specific. If the offender has not provided enough information, an interview with the offender should be conducted as the first documented step of the investigation.
- The missing property should be items that the offender either purchased through the commissary, from and outside vendor, or was allowed to keep at the time of intake.
- State issued property should not be listed.

Contraband will not be considered for monetary reimbursement.

- Offenders will not receive compensation for the loss or damage of eyeglasses, dentures or other medical devices brought in at the time of intake. Claims involving these types of items will be referred to the Unit Medical Department at Step 1 or Health Services Division Headquarters Office at Step 2. Careful documentation of the circumstances surrounding the loss is important for determining what action may need to be taken.
- Document the offender's claim of what happened. Was the property lost, stolen, damaged, missing, or destroyed?
- Property lost or damaged during transfer between units is the most difficult to investigate. In these situations, begin with the history screen of the offender's movement. Obtain copies of all property inventory forms and BU-175 or MST documents from the time of departure from the last unit until the date the offender arrived at his current unit.

NUMBER: OGOM 1.07 Step 1 Property Grievances
 DATE: APRIL 2015 (Rev 6/2015)
 PAGE: 3 of 9

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- Excess offender property may be shipped separately when an offender is transferred from one unit to another via Prison Store. In this case, contact the previous unit and obtain a copy of the MST and indicate the date of shipment on the OG-01 or I-136 forms. Ensure the inventory of items being shipped matches the offender's claim.
 - Establish where the property was located and who was in possession of the property when the alleged loss occurred.
 - *Was the property stored in the property room?*
 - *Was it left in the mailroom to be mailed home or some other location awaiting shipment to a new unit?*
 - If staff took possession of the property, even if a determination cannot be made as to what happened after that point, the agency may be responsible for replacement or reimbursement, including theft by other offenders.
 - *For example, assume that an officer confiscates an offender's property, but leaves it unattended in the hallway, or some other unsecured location, to help with corridor control. The property subsequently disappears. The property was in the possession and control of TDCJ at the time of loss, and the offender may be compensated for the loss.*
 - Obtain a statement from staff involved, to include staff that conducted the inventory or confiscated the property, and anyone else who might have handled the property. **A written statement by itself from property room staff is insufficient to conclude offender personal property investigations. The property may not have even been sent to the property room.**
 - In cases where offenders contribute to their personal property loss, or in cases where the loss is due to consequences of unit activities, the claim will not generally be considered.
 - The offender left his property unsecured in his cell or another area.
 - The offender flooded his cell or started a fire that caused the damage or loss.
 - Other offenders flooded the cellblock or started fires.
 - Disturbances or riots.
 - Staff responses to emergency situations such as fighting fires, quelling riots or a use of force.
 - Extortion by other offenders or theft.
 - Natural disasters such as hurricanes, floods, or tornadoes.
 - Review the offender's unit classification file and the issuing property room for copies of registration forms (PROP-02 or I-31) for registered property items such as fans, radios, watches, rings, and typewriters. Copy and attach the form and all related documents to the grievance. If no documentation is found in the offender's unit file or the property room, then the UGI shall note this on the OG-01 worksheet.
 - According to AD-03.72 "Offender Property", staff is responsible for completing a property inventory form (PROP-05) or confiscation form (PROP-08) each time the agency takes possession of offender property. Copies of these inventories are

NUMBER: OGOM 1.07 Step 1 Property Grievances
 DATE: APRIL 2015 (Rev 6/2015)
 PAGE: 4 of 9

maintained in the offender property room and the offender's unit classification file. The older versions prior to September 2002 are the I-136 and the AD-92. Property claims will require these documents in order for a proper review of the offender's claims.

- If the loss involved commissary purchased items such as food, hygiene items, or stationary, review the offender's banking history to determine if recent commissary purchases were made. Document if the offender has been indigent for the relevant period of time preceding the alleged loss or damage and document this on the OG-01 worksheet.
- If the property item was received from an outside vendor, consult with mailroom staff and obtain copies of log entries. All documentation reviewed should be copied and attached to the grievance as part of the investigation.
- For items claimed missing or damaged, review the past PROP-08s for earlier confiscation of the items in question, and compare confiscated items with subsequent commissary purchases for replacements.
- Obtain the most recent property inventory forms to determine when the offender last had authorized possession of the item in question and a copy of the registration receipt to verify ownership. These documents are necessary to complete a thorough investigation.
- If the property officer submits a written statement that the offender received his property, the PROP-06, PROP-05 or I-136; PROP-08 or AD-92 forms documenting the return of the property to the offender must be attached.
- Magazines, publications, packages or other items received by the mailroom via a private carrier, such as United Parcel Services (UPS), Airborne, Federal Express, or other private carriers are documented on the mailroom log. The offender must also sign for receipt of any item that was signed for by the agency. Gather the documentation to include a copy of the mailroom log, or delivery log, and obtain a copy of the receipt from the offender to verify the value of the item in question. Attach all documentation as part of the grievance investigation and note all findings on the OG-01 worksheet.
- The offender should provide information in the grievance or attach documentation that establishes a tangible value such as a receipt, an invoice, or another indication of cost. Grievance staff may verify the value by requesting more detailed information from the offender. The information that the offender provides to establish value may be cross-referenced with the official record in the offender unit file or property offices files to ensure authenticity. This value becomes the basis for any offer of monetary reimbursement, settlement, or replacement. Tangible value may also be established by:
 - Review of commissary receipts or purchase history.
 - Price lists from the commissary.
 - Value of comparable items from retail stores, catalogues, or the internet.

NUMBER: OGOM 1.07 Step 1 Property Grievances
 DATE: APRIL 2015 (Rev 6/2015)
 PAGE: 5 of 9

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- The date the offender purchased the item.
 - When the determination is made that the offender's claim is valid and a tangible value has been established, the UGI shall attempt to resolve the claim with replacement items, if possible.
 - Excess property from the recyclable inventory stored in the property room and recorded on the Recycled Property Log may be used to make the settlement. The replacement offer should be fair, and reasonably equivalent to the items lost. The items offered should also be of use to the offender and electrical items such as fans, radios, and typewriters in good repair. *(i.e. An offender of cookies would be of no value to a diabetic offender, and coffee would be of no value if the offender did not drink coffee).*
 - Recycled property may not be available to make settlement for a variety of reasons. The UGI may contact neighboring units, or contact their regional grievance supervisor for assistance in obtaining suitable property for replacement offers.
 - If the investigation supports that the TDCJ is responsible for the property claim, document any corrective action taken by unit administration. The information may or may not be appropriate for inclusion in the response to the offender, depending upon the sensitivity of the issue.
 - Many claims can be avoided by training staff regarding property accountability; the proper use of the property forms; and by reinforcing AD-03.72, "Offender Property", through shift briefings and staff meetings.
 - When completed, the investigation should address the following questions:
 - What items of property were lost, damaged, missing, or destroyed?
 - How did the alleged loss occur?
 - Who was in possession of the property at the time of loss?
 - Can the offender establish ownership of the items?
 - Can a tangible value be established for the items?
 - Can the claim be resolved by an offer of settlement or replacement?
 - If the agency is responsible, what action has been taken to compensate the loss?
 - What has the agency done to prevent future occurrence?
 - To qualify for any type of compensation, the investigation must establish each of the following:
 - The property item lost or damaged must have been in the possession of TDCJ at the time of its loss or damage.
 - The offender must have had authorized ownership of the property.
 - The property item was not contraband.
 - The property item had a tangible value.
 - Grievance responses shall be factual and informative. If the claim is not valid and there is no evidence to support the allegations, the offender should be informed of the reason for the denial of his claim. If the offender was offered a settlement, include a statement to that effect in the response. The UGI should attempt to resolve all substantiated

NUMBER: OGOM 1.07 Step 1 Property Grievances
 DATE: APRIL 2015 (Rev 6/2015)
 PAGE: 6 of 9

claims at the unit level. This can typically be accomplished with an equitable property settlement offer using recycled property.

- All investigative information and the suggested response shall be presented to the Warden for review and approval.
- If the investigation substantiates the claim, and it could not be resolved at the Step I level, an outcome code “**D**” will be documented on the OG-01 worksheet and entered into the GR00 Case Tracking System. The offender must file a Step 2 for further appeal of the loss.
- If restitution was accomplished, the grievance will be closed with an “**R**” outcome code documented on the OG-01 worksheet and entered into the GR00. If the offender refused an offer of restitution at Step 1, a “**D**” outcome code will be documented on the OG-01 worksheet and entered into GR00.

Step 2 Property Appeals

- In some cases, the CGO or regional investigator will begin another property investigation based on new allegations presented by the offender in the Step 2 grievance. The Step 2 investigation begins with a review of all investigative documentation from the Step 1 grievance.
- If the offender refused a fair and equitable offer for settlement, the claim may be denied on the appeal; however, the fairness and equitability of the offender made during the Step I process must be reviewed.
- The Step 2 investigation will either support the Step 1 response, or result in a granted property claim requiring an additional settlement offer or payment directly to the offender’s trust fund account. Property settlements resulting from Step 2 grievances require the cooperation of unit staff.

The Payment Process

All reasonable steps, including an equitable property settlement offer, will have been completed to avoid the time and expense of requiring the Texas Comptroller’s Office to issue a warrant to deposit funds into the offender’s trust fund account. Monetary reimbursement is **a last resort to settle property claims**; however, when necessary the following steps shall be taken.

1. The grievance and supporting investigative documentation will be submitted to the Director of Administrative Review & Risk Management for final approval and signature. ***Flag for Director Signature.*** The documents necessary for payment will be presented in the following order:
 - a. Typical Evaluation.
 - b. Step 2 Grievance, including the Step 1 and all investigative documentation.
 - c. Payment Processing Request Letter.

NUMBER: OGOM 1.07 Step 1 Property Grievances
 DATE: APRIL 2015 (Rev 6/2015)
 PAGE: 7 of 9

2. After the Director of Administrative Review & Risk Management has approved payment, the Step 2 grievance will be returned to the CGO for final processing by CGO staff.
3. The response will be typed on the grievance. The grievance will be closed with the “R” outcome code documented on the OG-01 worksheet and entered into the GR00 case tracking system.
4. The grievance and all supporting documentation, including any documents submitted by the offender, will be copied and retained until the payment process is completed.
5. The completed original Step 2 grievance, including a response and signature, shall be returned to the offender. Any documents submitted by the offender will also be returned with the Step 2 grievance.
6. **Notification Emails** will be sent to the Warden, Regional Director, and other department advising that monetary reimbursement for lost or damaged property was approved.
7. The UGI will receive an email with instructions to complete the Monetary Reimbursement Agreement Form (Appendix O).
8. Designated CGO staff will maintain and monitor the flow of documents to and from the unit to ensure that the completed forms are received in a timely manner.
9. Monetary Reimbursement Agreement Forms returned to the CGO from the unit will be reviewed for accuracy and completeness by the designated CGO supervisor.
10. Completed Monetary Reimbursement Agreement Forms and the signed Payment Processing Request Letter will be sent to the TDCJ Accounts Payable Department, Payment Processing, who in turn will forward the request to the State Comptroller’s Office.
11. If the offender refuses the settlement offer, a letter will be sent to the offender explaining the consequences of the refusal and he will be given a second opportunity to accept the offer.
12. The State Comptroller’s Office will return a copy of the warrant to the CGO indicating the money was deposited into the offender’s trust fund account.
13. CGO staff will be instructed to update the GR00 with the amount of reimbursement noted in the comment section.
14. CGO staff will image all documentation, including the grievance, warrant, and investigative documentation.
15. Occasionally, the State Comptroller’s Office may reject a payment request if the offender owes back child support or does not have a social security number. In these cases, the CGO will send a letter to the offender explaining the circumstances.

If resolution can only be made by depositing money into the offender’s trust fund account, the following response should be typed on the Step 2 grievance:

“Property Claim # (**enter grievance #**) was reviewed by this office and responsibility for the loss or damage appears to rest with the agency. You were offered and accepted \$ (amount of reimbursement) as reimbursement for your (list property items) as noted by

NUMBER: OGOM 1.07 Step 1 Property Grievances
DATE: APRIL 2015 (Rev 6/2015)
PAGE: 8 of 9

your signature on the Monetary Reimbursement Agreement form dated (**list date**). The amount of reimbursement was based on the age and fair market value of the item. The funds have been deposited into your trust fund account.”

II. Property Settlements

- A. When a determination is made that the offender’s claim is valid and a tangible value has been established, unit grievance staff shall confer with the unit property officer and attempt to resolve the claim with replacement items.
- B. A replacement offer should be fair, and reasonably equivalent to the items lost. The items offered should also be of use to the offender and electrical items such as fans, radios, and typewriters in good repair.
- C. The unit property officer may contact neighboring units, or request that the unit grievance staff contact their regional grievance supervisor for assistance in obtaining suitable property for settlements.
- D. The UGI shall document all corrective action taken by unit administration for investigations supporting that the TDCJ is responsible for the property loss. The information may or may not be appropriate for inclusion in the response to the offender, depending upon the sensitivity of the issues.

III. Monetary Compensation

- A. The investigation must establish each of the following to qualify for any type of compensation:
 - 1. The property item lost or damaged must have been in the possession of TDCJ at the time of its loss or damage.
 - 2. The offender must have had authorized ownership of the property.
 - 3. The property item was not contraband.
 - 4. The property item had a tangible value.

IV. Responses

- A. Grievance responses shall be factual and informative. The offender shall be informed of the reason for a denial of a claim when the claim is not valid and when there is insufficient evidence to support the allegation. A statement shall be included to that effect in the response when the offender was offered a settlement.
- B. All investigative information and the suggested response shall be presented to the warden for review and approval.

V. Outcome Codes for property disposition.

- A. Outcome code “D” shall be utilized for the following;

NUMBER: OGOM 1.07 Step 1 Property Grievances
DATE: APRIL 2015 (Rev 6/2015)
PAGE: 9 of 9

1. Substantiated investigations that could not be resolved at step 1 when monetary compensation is necessary.
 2. Substantiated investigations when the offender refuses compensation.
 3. Unsubstantiated investigation when sufficient evidence was not determined to validate the offender's allegation.
- B.** Outcome code "R" shall be utilized in the following;
1. Substantiated investigations when the offender accepted restitution.

NUMBER: OGOM 1.08 Step1 Disciplinary Appeals
DATE: SEPTEMBER 2014 (Rev. 03/2016)
PAGE: 1 of 6

SUBJECT: Step 1 Disciplinary Appeals

PURPOSE: To establish procedures and guidelines for processing a Step 1 disciplinary appeal.

PROCEDURES:

The offender grievance program is designated by the TDCJ as the formal appeal mechanism through which an offender can seek another review of the disciplinary hearing results. Grievance staff are responsible for investigating all offender disciplinary appeals requested through the offender grievance program.

I. Processing

- A. An offender has 15 days from the date of the disciplinary hearing to appeal the outcome.
- B. All Step 1 disciplinary appeals shall be processed by the unit grievance staff on the offender's current unit of assignment within 30 days of receipt from the offender.
- C. Only (1) grievance shall be processed per disciplinary case.
- D. Disciplinary appeals are exempt from the following screening criteria:
 - 1. Submission in excess of 1 every 7 days.
 - 2. No documented attempt at informal resolution.
- E. The **incident date** entered into the GR00 Case Tracking System for a disciplinary appeal will be the **hearing date**. The disciplinary case number shall be entered in the designated field of the GR00.
- F. Unit grievance staff shall collect and review all documentation relevant to the disciplinary case. The review shall ensure that all due process and procedural requirements were met, and the case was fair and consistent with the evidence. The offender should provide the disciplinary case number; however, the grievance shall still be processed even if the case number is not provided. The unit grievance staff shall formulate a recommended response for the warden's review and signature.
- G. Grievance investigations shall include all information gathered from the disciplinary report. The counsel substitute investigation, and the notes and comments made by the Disciplinary Hearing Officer (DHO). Each of these elements is essential when reviewing a grievance to determine if the offender was afforded all of his due process rights. The hearing tape serves to support the documentation, but does not replace it.
- H. The disciplinary case shall be overturned when disciplinary paperwork is lost and the unit shall be afforded the option to re-hear the case.
- I. There are three **basic grounds for disciplinary appeals**;
 - 1. Due Process and Procedural Rights violations.
 - 2. Insufficient evidence to support a finding of guilt.
 - 3. Penalty imposed by the DHO was too severe.

NUMBER: OGOM 1.08 Step1 Disciplinary Appeals
DATE: SEPTEMBER 2014 (Rev. 03/2016)
PAGE: 2 of 6

- J. The Disciplinary Worksheet and Document Checklist (Appendix K) shall be completed to ensure due process requirements were met, to provide a summary of the case process and to record that all appropriate documentation is attached.

II. Guidelines

- A. The disciplinary hearing tape may be reviewed and the information used to formulate a response when the documentation provided is not sufficient to review the case.
- B. The review will ensure all due process and procedural requirements were met, the case was fair and consistent with the evidence, the punishment imposed was within the guidelines and consistent with the charge, and the punishment was progressive when considering the seriousness of the charge and the offender's prior disciplinary record.

III. Major Disciplinary Case

- A. Documentation required when the offender **is present** at the hearing:
1. I – 47 MA – TDCJ Disciplinary Report and Hearing Record.
 2. I – 210 Front – Offense Report.
 3. I – 210 Back – Preliminary Investigation Report.
 4. CS – 10.11A and CS-10.11B – Service Investigation Worksheet.
 5. CS – 12 – Hearing Worksheet.
 6. CS – 09 – Witness Statement(s).
 7. AD – 06.56, "Procedures for Handling Offenders Identified as Suicide Risks," Attachment A Mental Health Disciplinary Review Form. This form must be attached to the cases of offenders who are LMHA (Local Mental Health Authority) restricted for participation in the disciplinary process, as well as, any offender charged with code 31 Self-inflicted bodily injuries or threatening to self-inflict bodily injury.
 8. Additional documentation related to the disciplinary case such as disciplinary forms, written statements, documentary evidence, photos, or other evidence.
- B. Documentation required when the offender **is not present** at the hearing in addition to the above listed documents:
1. CS-14 – Notification of Disciplinary Hearing, Refusal to Attend Hearing. Completed when an offender in administrative segregation, PHD, or any form of lockdown status that requires an escort who does not wish to attend a major disciplinary hearing.
 2. I-217 – Disciplinary Hearing Results Notification for both general population and segregation offenders.

NUMBER: OGOM 1.08 Step1 Disciplinary Appeals
DATE: SEPTEMBER 2014 (Rev. 03/2016)
PAGE: 3 of 6

IV. Minor Disciplinary Case

- A. Documentation required when the offender **is present** at the hearing, in addition to the above listed documents:
 - 1. I – 47 MI – TDCJ Disciplinary Report and Hearing Record.
 - 2. I – 210 Front – Offense Report.
 - 3. I – 210 Back – Preliminary Investigation Report.
 - 4. Additional documentation related to the disciplinary.
- B. Documentation required when the offender **is not present** at the hearing:
 - 1. I – 217 – Disciplinary Hearing Results Notification.

V. Reviewing for Due Process Violations

- A. The offender did not receive notice of the charges at least 24 hours prior to the hearing, unless waived by the offender. A request for a 24 hour waiver may not be granted unless the offender has **signed** the 24 hour notice waiver line on the I-47MI or I-47MA.
- B. The offender was denied witnesses, questioning the accusing officer through his counsel substitute, or presentation of documentary evidence without adequate justification.
- C. The DHO failed to take the appropriate actions when non-frivolous evidence was presented in defense of the offender.
- D. The offender is on the Mental Health Services caseload and restricted from participation in the disciplinary process without clearance by the Mental Health Services Staff. All offenders charged with offense code 31 require MHMR clearance.
- E. Offender was excluded from the hearing without justification.
- F. Interpreter was not provided, when required.
- G. The reason for the finding of guilt must be documented on the I-47MA.
- H. The reason for the penalty imposed must be documented on the I-47MA.
- I. Additional due process issues that affect fundamental fairness which are consistent with, but not limited to the above.

VI. Reviewing for Sufficient Evidence

- A. Review lab reports such as field test kits in drug-related cases.
- B. Review medical record for work restrictions for cases involving refusal to work or housing restrictions, when refusing to accept a housing assignment.

NUMBER: OGOM 1.08 Step1 Disciplinary Appeals
DATE: SEPTEMBER 2014 (Rev. 03/2016)
PAGE: 4 of 6

C.

NUMBER: OGOM 1.08 Step1 Disciplinary Appeals
DATE: SEPTEMBER 2014 (Rev. 03/2016)
PAGE: 5 of 6

Does the charging officer, the accused offender, or witnesses substantiate the charge at the hearing? Do they refute the charge? Review the testimony of the charging officer, accused offender, or witnesses.

- D. Review any additional evidence that may support or refute the charge.
- E. Ensure the evidence satisfies elements of the offense. The elements are defined for each charge in the Disciplinary Rules and Procedures for Offenders (GR-106) and the Standard Offense Pleadings Handbook (GR-107).

VII. Reviewing Disciplinary Cases Involving Confidential Informant Testimony

- A. Staff may not always observe rule violations by offenders. When an offender observes a rule violation by another offender and informs staff of the violation, an investigation, separate and from the counsel substitute investigation should be initiated in accordance with Administrative Memorandum – 89.V.I.E. 4.01 (REV 1). A confidential informant investigation must reveal corroborating evidence to sustain the charges so that the case is not based solely on the information provided by the informant. Evidence provided by a confidential source may be utilized as additional evidence at a disciplinary hearing; however, this evidence alone is not sufficient to establish guilt.
- B. Information provided by a confidential informant must be corroborated by evidence gathered from or provided by a non-informant source.
- C. Care must be exercised to protect the identity of a confidential informant.
- D. Confidential informant investigations must be conducted by a staff member holding the rank of captain or above.
- E. The Confidential Informant (CI) checklist must be completed and attached to the documentation.
- F. Designated confidential informant questions must be asked and answered at the hearing.

VIII. Disciplinary Penalties

- A. Penalty guidelines are outlined in the *Disciplinary Rules and Procedures for Offenders Handbook*. Good time loss limits are applied based on the cumulative number of convictions resulting in major penalties within the 180 days preceding the current case. A single case with multiple charges resulting in guilty findings should be counted as one case.

IX. Remedies Available for Disciplinary Appeals

- A. Any punishment imposed as a result of the hearing may be modified or overturned when grievance staff identifies a due process error in the disciplinary hearing. When a disciplinary case is overturned, the offender shall be advised of this action in the grievance response.
- B. The charge and punishment may be modified if correctable errors are identified by grievance staff.
- C. The charge and penalties may be modified or the case overturned when grievance staff identifies the disciplinary charge was inappropriate or if there was insufficient evidence to support the charge.

NUMBER: OGOM 1.08 Step1 Disciplinary Appeals
DATE: SEPTEMBER 2014 (Rev. 03/2016)
PAGE: 6 of 6

X. Processing the Correction

- A. A Request for Disciplinary Case Correction E-Form will be sent to the chairman of the State Classification Committee requesting that the offender's records be corrected to reflect a modification or deletion of the charges and punishment when a disciplinary case is overturned or modified.

NUMBER: OGOM 1.09 Step 1 Medical Grievances
DATE: SEPTEMBER 2014
PAGE: 1 of 3

SUBJECT: Step 1 Medical Grievances

PURPOSE: To establish procedures and guidelines for processing Step 1 grievances.

PROCEDURES:

Grievances staff shall review, code and process medical grievances on the date received and close within established time limits. Medical grievances that identify emergency related issues shall be processed in accordance with procedures outlined in the manual section 1.03 Emergency Grievances-Non PREA Allegations. All other medical complaints shall be processed as a regular grievance.

I. Screening

- A. The unit grievance investigator (UGI) shall forward medical grievances that meet the eligibility requirements of the screening criteria to the unit practice manager, health administrator, director of nursing or nurse administrator as appropriate, for review. Medical staff shall determine if the screening criteria for the grievance will not adversely affect the offender's health, and sign the Medical Signature Authority section on the back of the Step 1 form and return to the UGI. The UGI shall print and sign their name on the line provided complete the OFFICE USE ONLY box on the back of the Step 1 form and return to the offender. It is the offender's responsibility to correct the grievance after being screened and resubmit within the appropriate time frame.

II. Processing

- A. Medical grievances are identified as emergency, or regular at the Step 1 level, based on the nature of the complaint. A non-emergency medical grievance regarding quality of care, treatment received, or specific medical programs shall be processed as a grievance, subject to all screening criteria.
- B. The UGI shall immediately notify one or more of the below listed medical supervisors as appropriate for grievances alleging medical emergencies, such as threats of suicide, chest pains, or difficulty breathing.
- Health Services Administrator
 - Unit Practice Manager
 - Director of Nursing
 - Nurse Administrator
- C. The investigation shall be initiated and coordinated with the unit medical department in accordance with the emergency procedures outlined in the OGOM section *1.03 Emergency Grievances*.
- D. The **unit grievance staff shall forward** the following documents to the unit practice manager, health administrator, director of nursing or nurse administrator, as appropriate:
1. The **original** grievance received from the offender (Unit grievance staff on the sending unit shall keep a complete copy of the original grievance until the original is returned from medical).
 2. An **OG-01** grievance worksheet completed through the Requested Remedy section.

NUMBER: OGOM 1.09 Step 1 Medical Grievances
DATE: SEPTEMBER 2014
PAGE: 2 of 3

3. A copy of the medical grievance **checklist** titled Documents and Forms Required for Investigation of Medical Grievances Checklist (Appendix L). Unit grievance staff records the information on line #1 of the checklist prior to forwarding to the medical department.
- E. The unit practice manager, health administrator, director of nursing or nurse administrator, as appropriate, shall:
 1. Review the issues presented in the grievance.
 2. Route the grievance to the responsible party for investigation who will:
 - a. Compile the supporting documentation from the offender's Electronic Medical Record (EMR).
 - b. Record information on lines #2 – 2(d) and sign line #3 of the medical grievances checklist.
 - c. Document the findings.
 - d. Sign the OG-01 worksheet. For allegations of harassment or retaliation, the 606 issue code; also complete the Warden or Designee or Medical Signature Authority box at the bottom of the form; check the appropriate box for no action warranted or administrative action; and provide their signature, title and date.
 - e. Type a response on the original grievance form.
- F. The signature authority shall sign and date the completed grievance. The only approved signature authorities for Step 1 medical grievances are the unit practice manager, health administrator, director of nursing or nurse administrator, as appropriate.
- G. Return the answered and signed grievance with all investigative documentation to the UGI within 35 days of the date the grievance was received from the offender. Additional time may be requested; however, the 45-day time limit still applies.
- H. The following steps shall be completed by the UGI upon receipt of the completed medical grievance:
 1. Record the information on line #4 of the medical grievances checklist.
 2. Conduct a quality review of the grievance investigation ensuring that:
 - a. The medical grievance checklist is attached to the grievance; all applicable sections of the checklist are recorded, and the form is signed by medical staff.
 - b. The documents marked on the checklist match the documentation attached to the grievance.
 - c. A copy of any medical policy referenced in the investigation and response to the offender is attached to the grievance.
 - d. That the supporting documentation is attached to the grievance for all investigative notes listed on the OG-01 worksheet.

NUMBER: OGOM 1.09 Step 1 Medical Grievances
DATE: SEPTEMBER 2014
PAGE: 3 of 3

- e. The response matches the issue presented by the offender in the grievance. Contact the unit practice manager, health administrator, director of nursing or nurse administrator as appropriate, to acquire support documentation that is not attached to the grievance.
 - f. Obtain statements that are needed as support documentation from non-medical staff such as security or, departmental staff.
- 3. Forward the signed grievance and response to the warden for review. The warden acknowledges their review of the grievance by placing their **initials** on the front, upper left-hand corner of the original grievance form.

NUMBER: OGOM 1.10 Transferring Step 1 Grievances (TG) to the Unit of Incident
DATE: SEPTEMBER 2014
PAGE: 1 of 1

SUBJECT: Transferring Step 1 Grievances (TG) to the Unit of Incident

PURPOSE: To establish procedures and guidelines for transferring grievances to the unit of occurrence.

PROCEDURES:

Grievances received from offenders with allegations involving incidents that occurred at another unit shall be transferred to the unit of occurrence for investigation and signature. *Disciplinary appeals shall be processed on the current unit of assignment.*

I. Processing a Transferred Grievance

- A. An investigator ID number shall be assigned to all grievances that are entered into GR00 on the date received. At no time shall there be a grievance entered into GR00 without an investigator ID assigned. Alternate investigators shall assign grievances their investigator ID when assisting investigators that are out of the office. The absent investigator shall update GR00 when returning to work.
- B. Grievance staff on the offender's current unit of assignment shall review the grievance, apply the screening criteria, if applicable, and enter it into the GR00.
- C. The Unit Grievance Investigator (UGI) shall enter "TG to (Unit of Incident) on (Date mm/dd/yy)" into the GR00 comment section for grievances eligible for processing.
- D. Grievance staff on the unit of assignment shall email the details of the complaint and the offender's information, to the grievance staff on the unit of incident indicating the method and date the grievance will be mailed. The sending unit investigator shall make a copy of the grievance along with any investigative documentation before mailing the grievance via first class mail to the unit where the incident occurred. A copy of the documents shall be placed in a TG pending file on the unit of assignment.
- E. The receiving unit investigator shall update the investigator ID information as soon as the grievance is received.
- F. The receiving investigator shall communicate with the unit investigator that transferred a grievance to determine if a grievance was misplaced or lost, when the grievance has not arrived within ten calendar days.
- G. The investigation, response and authorized signature are the responsibility of the unit grievance staff on the unit of incident.
- H. Completed grievance investigations and all investigative documents shall be forwarded via first class mail to the offender's current unit of assignment. A copy of all documentation shall be placed in a TG pending file.
- I. The unit grievance staff on the offender's current unit of assignment is responsible for closing the grievance in the GR00; placing a complete copy of the grievance and investigative documentation in the offender's grievance file; and returning the original completed grievance to the offender. Once the grievance has been closed, the extra copy at the sending unit may be destroyed. The UGI on the offender's current unit of assignment shall send an email to the UGI on the unit of incident stating that the grievance has been closed and returned to the offender. The copy of the grievance in the TG pending file at the unit of incident is to be destroyed.

NUMBER: OGOM 1.11 Step 1 Unit Records and File Management
DATE: SEPTEMBER 2014
PAGE: 1 of 2

SUBJECT: Step 1 Unit Records and File Management

PURPOSE: To establish specific guidelines for the management of offender grievance records.

PROCEDURES:

Unit grievance staff is responsible for establishing and maintaining a grievance file for each offender that contains all processed and unprocessed Step 1 grievances and investigative documentation. The Unit Grievance Office shall be the office of record for all Step 1 grievances until the offender is transferred to another permanent unit of assignment.

I. Step 1 Grievances

- A. Grievance staff shall utilize the TDCJ mainframe system to verify the offender is assigned to the unit. Newly received grievance files shall contain all documents in date order, based on the signature date on the grievance, with the most recent date in the front.
- B. Grievance staff shall complete the GR00 Screen 24 by entering the unit's two-digit code and the date the file was received.
- C. Grievance staff is responsible for daily filing of all completed Step 1 grievances.
- D. Grievance staff shall ensure the documents are in the correct order prior to filing a grievance:
 - 1. Signed and answered Step 1 grievance form.
 - 2. CONFIDENTIALITY form.
 - 3. OG-01 Worksheet.
 - 4. All support documents.
- E. Grievance files shall be kept confidential and secure at all times. Grievance investigations and records shall be stored in locked cabinets.

II. Transferring Grievance Files

- A. Grievance files for offenders that are transferred to a new unit of assignment shall be entered into the GR00 Case Tracking System Screen 24. Grievance staff shall enter the unit's two digit code and the date the file was mailed and forwarded to the unit of assignment. **The mailing of individual grievances is not entered into the GR00 Screen 24.**
- B. Grievance staff shall acquire the outgoing chain list, check the active files for offenders transferring from the unit, and purge the files prior to mailing until agency records retention requirements have been exhausted.
- C. Grievance staff shall check the 18 screen for any pending grievances prior to sending any file to a new unit of assignment. Do not send the file to a new unit of assignment until all grievances are completed and copies placed in the file.
- D. Files shall be placed in a suspense file for offenders **temporarily transferred** to other units, until the offender reaches a permanent unit of assignment.

NUMBER: OGOM 1.11 Step 1 Unit Records and File Management
DATE: SEPTEMBER 2014
PAGE: 2 of 2

- E. In the event an offender departs custody prior to a Step 1 grievance being closed, the grievance investigation shall be completed and placed in the offender's inactive grievance file. The offender's grievance file shall remain on the last unit of assignment until the records retention requirements have exhausted. In the event that the offender provides a forwarding address, the grievance will be mailed to the offender.

III. Records Retention and Purging Files

- A. Offender grievance records shall be retained for three years from the date the grievance is closed unless litigation is pending. The unit grievance staff shall check the grievance record on the GR00, Option 19 screen, and review the litigation field. If a 'Y' appears in the litigation field, the grievance file is not to be purged. Therefore, any grievance still identified on the GR00 should be maintained in the offender's grievance file.
- B. Grievance staff shall ensure that offender grievance files not involved in litigation are purged every six months, at the direction of the Central Grievance Office. The Administrator of Offender Grievances will notify grievance staff regarding the specific purge date for all files in order to maintain consistency with the GR00 Case Tracking System.
- C. The purging of files must be documented on the AD-02.29, "Records Management", Attachment A, Records Disposition Log (Appendix Q). Once complete, the log is to be forwarded to the TDCJ Records Management Officer, Executive Services Department, to be kept as a permanent record.
- D. Step 1 grievance records shall be maintained in accordance with the agency's Records Retention Schedule.

IV. Mailing Options

- A. Truck mail is the inter-agency mail service most commonly used, and should still be used in those locations where the truck mail has proved to be reliable and efficient, delivered within 2-4 days. Each package must weigh less than 20 pounds.
- B. Truck mail should be used to transfer grievance files when an offender is transferred to another unit; however, the weight limit should be taken into consideration.
- C. Units where truck mail is not available or it has proven unreliable and inefficient, should use first class mail for packages and letters weighing less than 13 ounces. If the item mailed is 13 ounces or more, priority mail should be utilized. Priority mail envelopes, boxes, and stickers are available from the U.S. Post Office at no charge.
- D. Except in the most extreme cases and only at the direction of the warden, regional director, or administrator of Offender Grievance should contracted mail carriers such as FedEx, be utilized to mail grievances. For instance, to meet court deadlines.

NUMBER: OGOM 1.12 Step 2 Grievances Received at Unit
DATE: SEPTEMBER 2014
PAGE: 1 of 1

SUBJECT: Step 2 Grievances Received at Unit

PURPOSE: To establish specific guidelines for the management of step 2 grievances received at the unit.

PROCEDURES:

Step 2 grievances shall be collected in the same manner as listed in **Section 1.01.A.1** of this manual, **Step 1 Grievance Process**. Step 2 appeals must be attached to the answered Step 1. Step 2 grievances that are mailed directly to the Central Grievance Office (CGO) from the offender shall be returned to the offender with instructions on how to submit the grievance correctly.

I. Step 2 Grievances Received at the Unit

A. Grievance staff shall:

1. Ensure all step 2 grievances written in a language other than English are translated by a TDCJ certified interpreter.
2. Review the step 2 grievances for emergency issues. If an emergency is identified, the grievance staff shall make the required notifications in accordance with the *Safe Prisons Plan*. The notification emails and all action taken by the UGI must be documented on an OG-01 Grievance Worksheet, and all documents forwarded to CGO.
3. Grievance staff shall enter the date received at the unit into GR00 Case Tracking System, and record the 'UGI Rec'd Date', grievance number, and the issue code in the OFFICE USE ONLY box on the front of the Step 2 grievance form. The grievance number and the issue code must be the same as listed on the Step 1 form.

- B.** Unit grievances staff shall enter all step 2 grievances into GR00 as received and forwarded to the CGO on the date received at the unit and **not accumulated**. Copy the entire Step 1 investigation from the file, attach to Step 2 along with the Step 1 and forward to CGO. If the investigation is not at your unit, do not hold the Step 2, send the Step 2 to CGO with a notation that the file is not on your unit. The most cost effective means available shall be utilized when forwarding step 2 grievances and correspondence to CGO.

II. Step 2 Grievances Returned to the Unit

- A.** Grievance staff shall place a date stamp in the upper right hand corner above the OFFICE USE ONLY box for completed step 2 grievances received at the unit. This will indicate the date the step 2 was returned to the offender.
- B.** Check the unit of assignment to ensure the offender is assigned to your unit. If the offender is not assigned to your unit, notate in comment section and forward to the unit of assignment.
- C.** The date returned to the offender in GR00, Screen 09, Option 02, Step 2 "Returned to the Offender," must correspond with the date stamped above the OFFICE USE ONLY box.

NUMBER: OGOM 2.01 Step 2 Grievances
DATE: SEPTEMBER 2014 (Rev. 4/2017)
PAGE: 1 of 2

SUBJECT: Step 2 Grievances

PURPOSE: To establish procedures and guidelines for processing Step 2 grievances.

PROCEDURES:

Step 2 grievances are received at the unit level along with the correlating step 1, entered in the **GR00** Case Tracking System and forwarded to the Central Grievance Office for processing.

I. Sorting and Prioritizing

- A. Step 2 grievances that qualify for processing shall be processed by CGO staff and distributed to the appropriate regional office, proponent office or the Central Grievance office based on the issue code assigned to the grievance.
- B. Grievance staff shall check the appropriate screening criteria (if applicable) on the backside of the grievance form, and then sign and print their name in the CGO staff signature line of the grievance.
- C. Grievances submitted written in pencil shall be copied and the copy utilized as an original grievance. Grievance staff shall write and highlight "Accepted as Original" at the top of the grievance. The grievance written in pencil shall be added to the completed investigative documentation.
- D. The program administrator or designee shall review and evaluate the nature of the grievance. If it is determined that the department received a grievance in error, the grievance shall be returned to the CGO with a written explanation and signature provided on the OG-01 Grievance Worksheet.
- E. Matters pertaining to the individual department, the program administrator or designee shall:
 - 1. Review the step 1 investigation.
 - 2. Initiate any additional investigation.
 - 3. Attach investigative documentation.
 - 4. Complete the OG-01.
 - 5. Print the response to the offender on the original form and have the appropriate signature authority sign.
- F. Signed grievances and all investigative documentation are returned to the CGO for final processing.
- G. The step 2 processes shall be completed within 40 days of receipt from the offender, 45 days for medical grievances (600 issue codes).

II. Signature Authority

- A. The signature authority for Step 2 grievances shall be the division director, deputy division director, manager of resolution support, program administrator, assistant program administrator or designee of the proponent conducting the investigation.

NUMBER: OGOM 2.01 Step 2 Grievances
DATE: SEPTEMBER 2014 (Rev. 4/2017)
PAGE: 2 of 2

III. Step 2 Records

- A. The Central Grievance Office is the office of record for Step 2 grievances and shall retain all Step 2 grievance records in accordance with TDCJ Records Retention Schedule.

NUMBER: OGOM 2.02 Step 2 Grievance Sorting and Prioritizing
DATE: SEPTEMBER 2014
PAGE: 1 of 2

SUBJECT: Step 2 Grievance Sorting and Prioritizing

PURPOSE: To establish procedures and guidelines for sorting and prioritizing Step 2 grievances.

PROCEDURES:

The Central Grievance Office (CGO) staff is responsible for receiving, sorting, duplication, and dissemination of grievances submitted for appeal at Step 2 each workday.

I. Initial processing

A. CGO staff shall sort grievances to ensure:

1. Name and TDCJ number on the Step 1 and Step 2 correspond.
2. The Step 1 and Step 2 grievance numbers correspond.
3. The issue code listed on the Step 1 is recorded on the Step 2.
4. The Step 2 was entered in GR00 when received at the unit.
5. A cover sheet is included with each envelope or package that lists all grievances included in the envelope or package.
6. All grievances written in a language other than English shall be translated prior to being forwarded to CGO. *See section OGOM 5.00.*

B. CGO staff shall stamp the receive date and write the date due in the OFFICE USE ONLY box.

C. CGO staff shall enter the received at CGO date in GR00 screen 10 and assign to the appropriate investigating authority in GR00 screen 11. Screen 11 will be printed and used as a cover sheet.

D. CGO staff shall disseminate the assigned grievances to the appropriate investigating authority.

E. CGO staff shall type Inter-Office Communications (IOC), correspondence, or complete special assignments as required.

II. Final processing

A. CGO staff shall enter data in GR00 Screen 14.

B. CGO staff shall send the original forms and documents to imaging personnel when returned from analysts, proponents and regions. CGO staff shall ensure each grievance is closed with the proper outcome code.

C. CGO staff shall enter the appropriate outcome and resolution codes in GR00 Screen 16.

D. CGO staff shall ensure the Step 2 grievance is closed and the appropriate unit of assignment is marked on the grievance to be mailed to the offender.

NUMBER: OGOM 2.02 Step 2 Grievance Sorting and Prioritizing
DATE: SEPTEMBER 2014
PAGE: 2 of 2

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- E. CGO staff shall fold the completed Step 2 grievances being returned to offenders in a manner that the response and grievance text are not visible; then tape the grievance closed.
 - F. The folded grievances shall be sorted by unit; placed in a large truck mail envelope addressed to the UGI at the offender's current unit of assignment; and the envelope mailed to the UGI.

NUMBER: OGOM 2.03 Step 2 Grievance Routing
 DATE: May 2019
 PAGE: 1 of 1

SUBJECT: Step 2 Grievance Routing

PURPOSE: To establish procedures and guidelines for routing Step 2 grievances.

PROCEDURES:

Step 2 grievances will be sorted and routed to the appropriate authority for investigation, response, and signature according to the following table:

CODE	ISSUE	AUTHORITY
000	Allegations of physical harm from another offender	CGO & Private Facilities Contract Monitoring Oversight Division (PFCMOD)
002	Allegations of physical contact or assault by staff	OIG
003	Medical Emergencies	Program Administrator for Medical
004, 526	ADA Issues, Safety Issues	Program Administrator for Risk Management
005	Allegations of Voyeurism (Staff)	CGO & PFCMOD -if not supported by evidence. (If supported by evidence, refer to OIG)
006, 007	Discrimination Issues, Extortion	CGO & PFCMOD
008, 011	Allegations of Sexual Assault (Offender or Staff)	OIG
009, 012	Allegations of Sexual Abuse (Offender or Staff)	OIG
010, 013	Allegations of Sexual Harassment (Offender or staff)	CGO & PFCMOD -if not supported by evidence. (If supported by evidence, refer to OIG)
014, 015	Allegations of Verbal Threats (Offender or Staff)	CGO & PFCMOD
016	Third party allegations of sexual abuse/assault/contact/harassment by an offender	CGO /Respond with OGOM 9.00, III (A) statement and refer to OIG .
017	Third party allegations of sexual abuse/assault/contact/harassment by staff	CGO/Respond with OGOM 9.00, III (A) statement and refer to OIG .
018, 019	PREA Allegations – Third party does not want to file a grievance or Third party wants to file a grievance	CGO /Respond with OGOM 9.00, III (A) statement and refer to OIG .
020	Lethal Injection Issues	Central Grievance Office
100's	Religious Issues	Program Administrator for Chaplaincy
200's	Classification Issues	CGO & PFCMOD
300-303, 309	Communication Issues, Visits (non-legal), Telephone Calls, Interview Requests	CGO & PFCMOD
304-308	Mail Issues	Program Administrator for MSCP
400's	Disciplinary Appeals	Central Grievance Office
500-510	Operational Issues, Food, Commissary, Trust Fund, Sanitation, Necessities, Activity Rotation, Living and Working Conditions, Grooming, Recreation, Showers, etc.	CGO & PFCMOD
512 - 515, 525	Confiscation/Contraband, Property Lost/Damaged/Stolen, Property Policy, Craft Shop	CGO & PFCMOD
518-522, 524	Searches, Maintenance, Drug Testing	CGO & PFCMOD
523	Institutional Lockdown	Central Grievance Office
600's	Medical	Program Administrator for Medical
700's	Access to Courts	Program Administrator for Access to Courts
800, 801, 802,803	Staff Claim (OIG)	OIG
804-805	Retaliation/Harassment for use of Grievance procedure and efforts to exercise Access to Courts Rights	CGO & PFCMOD if not evidence/ (If supported by evidence, refer to OIG)
806-815	Staff Complaint	CGO & PFCMOD
900	Transportation	Program Administrator for Transportation
901, 903, 904, 910	Grievance Procedure / Miscellaneous Claims	Central Grievance Office
911	DNA Issues	Central Grievance Office

NUMBER: OGOM 2.04 Step 2 Grievance Screening
DATE: SEPTEMBER 2014
PAGE: 1 of 3

SUBJECT: Step 2 Grievance Screening

PURPOSE: To establish procedures and guidelines for screening Step 2 grievances.

PROCEDURES:

Grievances that do not qualify for processing may be returned to the offender unprocessed. Screened grievances do not require investigation, response, or an approving signature.

I. Screened Grievances

- A. Grievance staff shall review the Step 2 grievance received at the CGO. Regular grievances may be screened based on screening criteria outlined by AD-03.82, "Management of Offender Grievances". If multiple screening criteria exist, each applicable criterion must be checked and the grievance entered into the GR00 before being returned to the offender unprocessed.
- B. Grievance investigators are expected to apply good correctional practice and exercise sound judgment when applying the screening criteria. If any level of uncertainty exists concerning the applicability of screening criteria, grievance investigators should err on the side of caution, and process the grievance.
- C. Grievances screened for "Grievable time period has expired" may not be corrected and resubmitted at step 2:
- D. Grievance staff shall check the appropriate box indicating all applicable screening criteria on the back of the I-128 grievance form, and sign and print their name in the CGO staff signature line of the grievance. In the OFFICE USE ONLY box, record the screening criteria applied, "99" code used, the date the grievance was received and returned to the offender, and the unit grievance staff initials.
- E. Unprocessed/screened grievances are closed using the outcome code "H", and imaged prior to being returned to the offender. Step 2 grievance records must be updated in the designated field in the "Office Use Only" box when an offender corrects and resubmits a grievance.
- F. Offenders shall have 15 days from the date documented in the "Office Use Only" box on the back of the form to correct and resubmit the grievance for processing.
- G. The following criteria noted with an asterisk (*) are eligible for correction and resubmission:
 - 1. **Grievable time period has expired:**
Offenders have 15 days to appeal the Step 1 decision on the grievance, beginning from the date of the warden's signature on the Step 1 grievance, or the date of return of the Step 1 grievance to the offender. Grievances will be accepted for review up to and including the first working day beyond the 15 day time limit. Grievances received after that time may be returned to the offender unprocessed. When calculating the 15 day time limit, consideration shall be given for the number of days grievances were not collected, such as holidays that fall during the workweek or weekends.
 - 2. **Illegible/incomprehensible.***
Offender grievances that are illegible or incomprehensible may be returned to the offender unprocessed. When criterion is continually used for the same offender, grievance staff shall **interview the offender** to ensure the offender knows how to submit a grievance and there are no issues being missed that should be addressed.

NUMBER: OGOM 2.04 Step 2 Grievance Screening
 DATE: SEPTEMBER 2014
 PAGE: 2 of 3

3. Originals not submitted.*

Offenders must submit the original, answered Step 1 grievance form with their Step 2 form. Hand written or typed carbon copies are not considered original documents, even if the original signature is documented on the signature line. Every effort should be made to make grievance forms available to all offenders; however, any document in original form, identifiable as a grievance, shall be considered for processing. Grievances that are not signed by the offender, or when an offender writes a name on the grievance other than his name of commitment such as, a Muslim name or an alias, the grievance may be returned unprocessed.

4. Inappropriate/excessive attachments.*

Offenders must state the nature of the grievance on a single grievance form in the space provided. Agency documents such as answered sick call request forms; answered I-60's, inventories, and receipts that may substantiate or further prove the offenders allegations should be accepted and the grievance processed. Unofficial documents, continuation pages, informal legal-like documents, petitions, unanswered I-60's or sick call requests, and drawings will not be accepted. Items such as insects, food particles, or similar items shall not be accepted as attachments. Grievances submitted with excessive or inappropriate attachments may be returned to the offender unprocessed.

5. Malicious use of vulgar, indecent, or physically threatening language directed at an individual.*

Offender grievances that contain blatant, malicious use of vulgar, indecent, or physically threatening language directed at an individual may be returned to the offender unprocessed. Threats of physical harm to staff should be reported to unit officials. The Administrator for Offender Grievance must be contacted prior to using a grievance as the basis for a disciplinary case.

6. Inappropriate*

- Disciplinary appeals submitted prior to the disciplinary hearing.
- Grievances requesting disciplinary action against an employee, such as a reprimand, termination, counseling, or disciplinary action.
- Request for compensation as a result of consequential or punitive damages may be returned to the offender unprocessed.

II. When a Step 2 grievance is returned to an offender unprocessed:

- A. It is the offender's responsibility to make corrections, if applicable, and resubmit the grievance within 15 days from the "Date Returned to the Offender" in the OFFICE USE ONLY box on the back of the I-128 form. If the offender resubmits the grievance without making the corrections, the grievance shall be returned to the offender, and the original screening criteria still applies.
- B. Offenders that correct and resubmit their grievance but make another error that qualifies for screening, shall have the grievance returned unprocessed, and shall be given an additional 15 days to correct and resubmit the grievance. An entry to the GR00 shall be made in the designated field.
- C. Offenders that attempt but fail to correct and resubmit the grievance a third time will be interviewed by the UGI to ensure he knows how to submit a grievance correctly. The Instructions on How to write and Submit Grievances (Appendix B) may be distributed to the offender.

NUMBER: OGOM 2.04 Step 2 Grievance Screening
DATE: SEPTEMBER 2014
PAGE: 3 of 3

- D.** The fourth time an offender resubmits a screened grievance that has not been corrected, staff will attach the previous interview to the original step 2 grievances, image the document, and return the step 1, however, the step 2 will not be returned to the offender.

NUMBER: OGOM 2.05 Step 2 Emergency Grievances
 DATE: SEPTEMBER 2014
 PAGE: 1 of 2

SUBJECT: Step 2 Emergency Grievances

PURPOSE: To establish procedures and guidelines for processing Step 2 emergency grievances.

PROCEDURES:

An emergency grievance is a written complaint about matters that would subject an offender to a substantial risk of personal injury or cause other serious or irreparable harm for incidents such as sexual assault, requests for offender protection, extortion, and medical emergencies. Emergency grievances are not eligible for screening or extension. See the note below for exceptions. Emergency grievances require **immediate written notification** to the appropriate authority for initiating an investigation. Investigations are to be completed and returned to the grievance investigator within ten days to ensure the grievance process is completed within the required 40-day time limit.

I. Allegations of Physical Harm From Another Offender/ Non-PREA Related Codes (000, 007, 014).

- A. Grievance staff shall contact the unit classification office to obtain a copy of the investigation and the Unit Classification Committee (UCC) docket in cases where an OPI investigation was already conducted, and the staff has not provided the investigation documentation.
- B. Grievance staff shall review the unit investigation and the UCC decision. If the UCC recommended a transfer, grievance staff shall obtain a copy of the transfer request and attach it to the OG-01 Grievance Worksheet as support documentation.
- C. In the event an offender provides additional information on the Step 2 grievance that may affect the decision of the State Classification Committee (SCC), that information will be forwarded to the assistant director for Classification and Records, who shall provide it to the appropriate SCC member.
- D. The program administrator or designee shall review and evaluate the nature of the grievance. If it is determined that the department received a grievance in error, the grievance shall be returned to the CGO with a written explanation, and a signature provided on the OG-01 Grievance Worksheet.
- E. Grievance staff shall coordinate an investigation with the unit chief of classification and the unit major, by immediately faxing the narrative portion of the grievance and an OG-01 with the "Office Use Only" section completed, to the unit grievance and classification offices when an OPI investigation was not conducted at Step 1.
- F. The unit chief of classification shall document all investigation notes on the OG-01 and return the signed OG-01 to the appropriate regional grievance supervisor to be included with the grievance investigation.

II. Allegations of Staff conduct that places an offender in danger Codes (002, 015).

- A. Allegations made at step 2 that were not made or addressed in the step 1:
 - 1. Staff shall immediately contact the warden to coordinate an investigation when an offender alleges that staff either harmed him or threatened to harm him. Any investigation, action, or involvement of the Office of the Inspector General (OIG) for a Step 2 grievance shall be at the discretion of the regional director; however, the offender must be provided a response to the grievance within the established time limits.

NUMBER: OGOM 2.05 Step 2 Emergency Grievances
DATE: SEPTEMBER 2014
PAGE: 2 of 2

III. PREA Codes (008, 009, 010, 011, 012, 013, 016, 017, 019).

- A. Staff shall immediately contact the warden and Safe Prisons coordinator to initiate an investigation of allegations that staff or another offender sexually assaulted, sexually abused or sexually harassed an offender, for allegations that were not identified in the Step 1.

IV. Medical Emergency Code (003).

- A. Health Services Office of Professional Standards shall investigate the grievance and take appropriate action when an offender alleges a medical emergency in a Step 2 grievance. The offender must be provided a response to the grievance within the established time limits.

NUMBER: OGOM 2.06 Step 2 Functional Area Proponent Grievances
DATE: SEPTEMBER 2014
PAGE: 1 of 1

SUBJECT: Step 2 Functional Area Proponent Grievances

PURPOSE: To establish procedures and guidelines for processing Step 2 proponent grievances.

PROCEDURES:

Grievances received at the CGO that are identified as Risk Management (ADA); Chaplaincy (religious issues), MSCP (mail), Access to Courts (ATC), Medical and Transportation shall be forwarded to the appropriate program administrator for processing.

I. Risk Management/ Americans with Disabilities Act (ADA)

- A. ADA issues include denial of access to a program, service or activity based on a disability. Step 2 grievances requesting relief through the ADA will be forwarded to the program administrator for risk management for investigation.

II. Chaplaincy/Religious issues

- A. Step 2 grievances regarding religious activities, dress, appearance, and religious grooming shall be forwarded to the program administrator for chaplaincy for investigation.
- B. Mail Systems Coordinators Panel (MSCP) / Mail issues.
- C. Step 2 grievances regarding mail issues will be forwarded to the program administrator for MSCP for investigation.
- D. Access to Courts (ATC) / Legal issues.
- E. Step 2 grievances regarding legal issues shall be forwarded to the program administrator for Access to Courts for investigation.
- F. Transportation (See OGOM, section 6.00).
- G. Medical (See OGOM, section 2.09).

NUMBER: OGOM 2.07 Step 2 Property Grievances
DATE: SEPTEMBER 2014
PAGE: 1 of 2

SUBJECT: Step 2 Property Grievances

PURPOSE: To establish procedures and guidelines for processing Step 2 property grievances.

PROCEDURES:

When a grievance is determined to involve offender personal property, the grievance staff shall review the grievance to determine what statements and documentation are necessary to process the claim. **An investigation for all property claims at Step 1 and Step 2 shall include a review of all related property documentation.**

I. Investigation Process

- A. Claims may be denied on an appeal when the offender refused a fair and equitable offer for settlement at Step 1; however, the fairness and equitability of the offer made during the Step 1 process must be reviewed at Step 2.
- B. The Step 2 investigation will either support the Step 1 response, or result in a granted property claim requiring an additional settlement offer or payment directly to the offender's trust fund account.
- C. All reasonable steps shall be made to provide the offender an equitable property settlement.

II. The Payment Process

- A. The administrator for Offender Grievance or designee shall submit the grievance and supporting documentation to the director of Administrative Review and Risk Management for final approval and signature.
- B. The documents necessary for payment will be presented in the following order:
 - 1. Typed Evaluation.
 - 2. Step 2 Grievance, including the Step 1 and all investigative documentation.
 - 3. Payment Processing Request Letter.
- C. The Step 2 grievance will be returned to the CGO for final processing after the director of Administrative Review and Risk Management has approved payment.
- D. The response shall be typed on the grievance and the grievance shall be closed with the "R" outcome code with the appropriate resolution code documented on the OG-01 worksheet and entered into the GR00 Case Tracking System.
- E. The grievance and all supporting documentation, including any documents submitted by the offender, shall be copied and retained until the payment process is completed.
- F. The completed original Step 2 grievance, including a response and signature, shall be returned to the offender. Any documents submitted by the offender shall also be returned with the Step 2 grievance.
- G. Notification Emails shall be sent to the warden and regional director, advising that monetary reimbursement for lost or damaged property was approved.

NUMBER: OGOM 2.07 Step 2 Property Grievances
DATE: SEPTEMBER 2014
PAGE: 2 of 2

- H. Unit grievance staff shall receive an email with instructions to complete the Monetary Reimbursement Agreement Form (Appendix O).
- I. Designated CGO staff shall maintain and monitor the flow of documents to and from the unit to ensure that the completed forms are received in a timely manner.
- J. Monetary Reimbursement Agreement Forms returned to the CGO from the unit shall be reviewed for accuracy and completeness by the designated CGO supervisor.
- K. Completed Monetary Reimbursement Agreement Forms and the signed Payment Processing Request Letter shall be sent to the TDCJ Accounts Payable Department, Payment Processing, who shall in turn forward the request to the State Comptroller's Office.
- L. The grievance shall be closed and no further settlement shall be offered to the offender for the claim if the offender refuses the settlement offer.
- M. The State Comptroller's Office shall return a copy of the warrant to the CGO indicating that the money was deposited into the offender's trust fund account.
- N. CGO staff shall be instructed to update the GR00 with the amount of reimbursement noted in the comment section.
- O. CGO staff shall image all documentation, including the grievance, warrant, and investigative documentation.
- P. The State Comptroller's Office may reject the payment request when the offender owes back child support or does not have a social security number. In these cases, the CGO will send a letter to the offender explaining the circumstances. If resolution can only be made by depositing money into the offender's trust fund account, the following response should be typed on the Step 2 grievance:
 - 1. Property Claim # **(enter grievance #)** was reviewed by this office and responsibility for the loss or damage appears to rest with the agency. You were offered and accepted \$ **(amount of reimbursement)** as reimbursement for your **(list property items)** as noted by your signature on the Monetary Reimbursement Agreement form dated **(list date)**. The amount of reimbursement was based on the age and fair market value of the item. The funds have been deposited into your trust fund account.

NUMBER: OGOM 2.08 Step 2 Disciplinary Appeals
DATE: SEPTEMBER 2014
PAGE: 1 of 2

SUBJECT: Step 2 Disciplinary Appeals

PURPOSE: To establish procedures and guidelines for processing Step 2 disciplinary appeals.

PROCEDURES:

The offender grievance program is designated by the TDCJ as the formal appeal mechanism through which an offender can seek another review of the disciplinary hearing results. Grievance staff is responsible for investigating all offender disciplinary appeals requested through the offender grievance program.

I. Step 2 Appeals

- A. Central Grievance Office (CGO) analysts shall collect and review all documentation reviewed at Step 1 relevant to the disciplinary case, and request additional information or documents as needed for a thorough review at Step 2. The review will ensure: all due process and procedural requirements were met; the case was fair and consistent with the evidence; the punishment imposed was within the guidelines and consistent with the charge; and the punishment was progressive when considering the seriousness of the charge and the offender's prior disciplinary record.
- B. If it is determined that corrections should be made to the disciplinary case, a CGO supervisor shall forward an email to the senior warden and all assistant wardens outlining the reason for modification or overturn, to include the policy and procedure reference that validates the corrective action. Unit administration shall be given five business days from the date of the email to review the case. On the sixth business day, the Request for Disciplinary Case Correction E-Form shall be completed if there is no response from the unit warden, and the grievance will be closed. The email shall be imaged with the grievance for record.

II. E-Form

- A. The e-form distribution for a grievance appeal granted at Step 2, or an independent administration review at the region, division or central administrative level shall include the administrator for Offender Grievances, unit Warden, Classification and records, Office of Disciplinary Coordination, Regional Counsel Substitute Supervisor, Disciplinary Hearing officer, Unit Grievance Investigator, and Regional Grievance Supervisor.
- B. *See OGOM 8.00 Instructions for completing the Request for disciplinary case correction (E-Form).*
- C. A copy of the e-form shall be imaged with the Step 2 grievance and investigative documentation.
- D. The Signature Authority for Step 2 Disciplinary Appeals is the administrator for Offender Grievances or designee.

III. Rehearing the Disciplinary Case

- A. An offender who successfully appeals a disciplinary hearing may be served with notice of rehearing if the error for which the case was overturned can be corrected. Notice of charges for a rehearing must be served within 30 days from the date the appeal was granted, unless an extension is obtained.
- B. A rehearing may not be conducted on an overturned case in which the offender did not receive timely notice of the charges, within 30 days of the date of discovery of the incident unless an extension was granted, or the offender did not receive a disciplinary hearing within the established time limits of 20 days from the date of notice unless an extension is granted.

NUMBER: OGOM 2.08 Step 2 Disciplinary Appeals
DATE: SEPTEMBER 2014
PAGE: 2 of 2

- C. Penalties assessed at a rehearing cannot exceed those imposed at the initial hearing. However, if additional evidence was presented at the rehearing that was not available at the initial hearing, an increase in penalty may be justified.
- D. A rehearing shall be conducted according to AD-04.35, "Review of Offender Disciplinary Actions," and other relevant disciplinary policies.

NUMBER: OGOM 2.09 Step 2 Medical Grievances
DATE: SEPTEMBER 2014
PAGE: 1 of 2

SUBJECT: Step 2 Medical Grievances

PURPOSE: To establish procedures and guidelines for processing Step 2 medical grievances.

PROCEDURES:

Medical grievances are identified as emergency, or regular at the step 1 level, based on the nature of the complaint. A non-emergency medical grievance regarding quality of care, treatment received, or specific medical programs shall be processed as a medical grievance, subject to all screening criteria. Medical grievances are received, reviewed, coded, entered and closed in the **GR00** Case Tracking System the same as all grievances.

I. CGO Medical Grievance Process

- A. CGO staff shall enter the grievance in GR00 Screens 10 and 11 and print screen 11.
- B. CGO staff shall attach the printed screen 11 as a cover sheet and forward all original step 2 grievances and investigative documentation to the Health Services Division to conduct an appellate review.

II. Step 2 Health Services Investigator

- A. The Health Service investigator shall determine whether the grievance shall be processed as an emergency or regular grievance.
- B. A Health Services supervisor shall contact the administrator of Offender Grievance or designee if an issue code change is needed. CGO staff shall update the grievance by entering data in GR00 Screen 15 and adding a note in the comment section regarding the reason for the change.
- C. The Health Service investigator shall apply all applicable screening criteria for grievances that do not qualify for processing and return them to the CGO.
- D. The Health Service investigator shall conduct the appellate review and attach additional investigative documentation as needed.
- E. The Health Service investigator shall document the findings, prepare a suggested response, and sign the OG-01 worksheet.
- F. The Health Service investigator shall enter data in GR00 Screen 12 and Screen 13 when sending the grievance to acquire approval of the response and date on the completed Step 2 grievance. Health services shall utilize a stamp in place of a signature.
- G. The Health Service investigator shall type a response on the **original** Step 2 grievance, return the answered and signed Step 2 grievance and all investigative documentation to CGO staff within 45 days.
- H. A Health Services supervisor shall contact the administrator for Offender Grievance or designee if additional time is needed to conduct an investigation, a written request for an extension may be forwarded to the administrator for Offender Grievance, or designee requesting an extension. The request shall include the grievance number, the offender name, TDCJ number, and the original due date.
- I. An additional 45 days may be granted for regular medical grievances.

NUMBER: OGOM 2.09 Step 2 Medical Grievances
DATE: SEPTEMBER 2014
PAGE: 2 of 2

J. Emergency medical grievances, issue code 003, are not eligible for an extension.

III. Returned Answered and Approved Step 2 Medical Grievances

- A. CGO staff shall enter data in GR00 Screen 14.
- B. The step 2 grievance and all investigative documentation are imaged and filed using a computer imaging system.
- C. CGO staff shall ensure the Step 2 grievance is closed and the appropriate outcome and resolution codes are entered in the GR00 Screen 16.
- D. CGO staff shall fold completed step 2 grievances being returned to offenders in a manner that the response and grievance text are not visible; then tape the grievance closed.
- E. The folded grievances will be sorted by unit after checking the mainframe for current housing, placed in a large truck mail envelope and addressed to the unit grievance staff at the offender's current unit of assignment.
- F. The UGI shall receive the completed Step 2 grievances and place a date stamp in the upper right hand corner, above the OFFICE USE ONLY box, indicating the date the Step 2 was returned to the offender. The corresponding date of return shall be entered in GR00 Screen 09, Option 02 Step 2 "Returned to the Offender." This is important for attorneys defending the agency during litigation.

NUMBER: OGOM 2.10 Final Step 2 Grievance Process
DATE: SEPTEMBER 2014
PAGE: 1 of 1

SUBJECT: Final Step 2 Grievance Process

PURPOSE: To establish procedures and guidelines for final processing Step 2 grievances.

PROCEDURES:

The Central Grievance Office (CGO) staff is responsible for ensuring all Step 2 grievances are investigated and responded to, signed, closed in the GR00 and imaged.

I. Final Processing

- A. The step 2 grievance and all investigative documentation are imaged and filed using a computer imaging system.
- B. CGO staff shall ensure the step 2 grievance is closed with the appropriate outcome code.
- C. CGO staff shall fold completed step 2 grievances returned to offenders in a manner that the response and grievance text are not visible, then tape the grievance closed.
- D. The folded grievances shall be sorted by unit after checking the mainframe for current housing, placed in a large truck mail envelope and addressed to the unit grievance staff at the offender's current unit of assignment.
- E. The unit grievance staff shall place a date stamp in the upper right hand corner above the OFFICE USE ONLY box for completed step 2 grievances received at the unit. This will indicate the date the step 2 was returned to the offender. The corresponding date of return will be entered into GR00 Screen 09; Option 02, Step 2 returned to the Offender.
- F. The folded grievances shall be delivered to the unit mailroom for distribution to the offenders.
- G. If an offender has discharged from TDCJ, the completed grievance will be maintained in the offender's inactive grievance file. If the offender provided a forwarding address to the UGI, then the grievance may be mailed to the address provided.

NUMBER: OGOM 2.10 Final Step 2 Grievance Process
DATE: SEPTEMBER 2014
PAGE: 1 of 1

SUBJECT: Final Step 2 Grievance Process

PURPOSE: To establish procedures and guidelines for final processing Step 2 grievances.

PROCEDURES:

The Central Grievance Office (CGO) staff is responsible for ensuring all Step 2 grievances are investigated and responded to, signed, closed in the GR00 and imaged.

I. Final Processing

- A. The step 2 grievance and all investigative documentation are imaged and filed using a computer imaging system.
- B. CGO staff shall ensure the step 2 grievance is closed with the appropriate outcome code.
- C. CGO staff shall fold completed step 2 grievances returned to offenders in a manner that the response and grievance text are not visible, then tape the grievance closed.
- D. The folded grievances shall be sorted by unit after checking the mainframe for current housing, placed in a large truck mail envelope and addressed to the unit grievance staff at the offender's current unit of assignment.
- E. The unit grievance staff shall place a date stamp in the upper right hand corner above the OFFICE USE ONLY box for completed step 2 grievances received at the unit. This will indicate the date the step 2 was returned to the offender. The corresponding date of return will be entered into GR00 Screen 09; Option 02, Step 2 returned to the Offender.
- F. The folded grievances shall be delivered to the unit mailroom for distribution to the offenders.
- G. If an offender has discharged from TDCJ, the completed grievance will be maintained in the offender's inactive grievance file. If the offender provided a forwarding address to the UGI, then the grievance may be mailed to the address provided.

NUMBER: OGOM 3.00 Grievance Codes
 DATE: SEPTEMBER, 2014
 PAGE: 1 of 2

SUBJECT: Grievance Codes

PURPOSE: To establish procedures and guidelines for using issue, outcome and resolution codes for Step 1 grievances

PROCEDURES:

Three code types are used to process grievance investigations: *Issue Codes, Outcome Codes, and Resolution Codes*. Each code is used at a specific stage in the grievance process.

I. Issue Codes (Appendix D)

An issue code is a numerical code assigned to a grievance that identifies the offender's issue.

- A. Grievance staff shall assign only one issue code per grievance to all grievances. The issue code shall identify the issue presented and the action requested in the grievance.
- B. For screened grievances, issue codes are assigned by identifying the broad subject category (100, 200, 300, 400, 500, 600, 700, 800 or 900) that best describes the grievance, followed by the numbers "99". For example, a grievance involving a staff complaint that is returned to an offender unprocessed would be coded 899. The "8" represents the broad category staff complaints and the "99" indicates that the grievance was screened and returned to the offender unprocessed.

II. Outcome Codes (Appendix E)

An outcome code is an alphabetic code assigned to a grievance that identifies an action taken to address an offender's issue.

- A. Grievance staff shall assign an outcome code to all grievances. The outcome code shall identify the action taken to address the offender's issue or problem.
- B. Outcome code "C" is only used when a grievance is lost and the offender is allowed to resubmit the grievance under a new grievance number. **This outcome code may only be entered into GR00 by the Administrator or Assistant Administrator of Offender Grievance.**
- C. Outcome code "D" is to be used when the offender's claim is not substantiated the offender refused property settlements or the issues presented are a redundant.
- D. Outcome code "H" is only used to identify screened or unprocessed Step 1 or Step 2 grievances.
- E. Outcome code "O" is only used when a grievance is referred regarding staff use of slurs or hostile epithets.
- F. Outcome code "R" is used in conjunction with resolution codes to describe what corrective action was taken or provided
- G. Outcome code "T" is only used when the grievance has been referred to OIG based on the offender's allegation.
- H. Outcome code "U" is only used when the issue presented relates to a documented use of force report.

NUMBER: OGOM 3.00 Grievance Codes
DATE: SEPTEMBER, 2014
PAGE: 2 of 2

III. Resolution codes (Appendix V)

A resolution code is a numeric code assigned to grievances that describes the specific action taken to address an offender's issues.

- A. Unit investigators shall use resolution codes in conjunction with the outcome codes when closing grievances. A numeric resolution code shall always correspond with the alphabetic outcome code.
- B. When determining the resolution code to use, review the outcome code, then select the resolution code that best describes the action taken to solve the offender's problem.

NUMBER: OGOM 4.00 Grievance Time Limits
DATE: SEPTEMBER 2014
PAGE: 1 of 2

SUBJECT: Grievance Time Limits

PURPOSE: To establish procedures and guidelines for grievance time limits.

PROCEDURES:

Grievance time limits are based on calendar days beginning with the day the grievance is received. All grievances shall be logged into the GR00 Case Tracking System on the same day they are received. Entries into the GR00 are made at each step of the grievance process in order to track their progress and to ensure that grievance time limits are met.

I. Step 1 (I-127) Grievance Time Limits

- A. The offender must submit an I-127 grievance form within 15 days of the alleged incident or problem, or when he became aware of the incident or problem, or should have become aware of the incident or problem. UGIs shall accept grievances for review up to, and including the first working day beyond the 15 day time limit. The procedure shall be followed for screened grievance submissions also.
- B. The unit grievance staff shall have up to 40 days from receipt of the I-127 to investigate, respond, obtain a signature, and return the grievance to the offender. Disciplinary appeals are required to be completed within 30-days. When grievance staff need more than the allocated time to complete an investigation, a written notification is provided to the offender stating that an extension is needed to process a grievance. Step 1 and Step 2 regular grievances are allowed a 40 day extension and medical grievances are allowed a 45-day extension. Emergency grievances are not eligible for extensions and shall be completed within the 40-day time limits.
- C. Grievance staff is authorized only one extension per eligible grievance prior to the due date as needed to complete an investigation and may be applied to a grievance on or before the actual date the grievance is due. Unit grievance staff shall complete the Notice of Extension (Appendix M), forward the original form to the offender, and attach a copy to the grievance investigation. Emergency grievances are not eligible for time limit extensions. Due dates are automatically calculated in the GR00.

II. Step 2 (I-128) Grievance Time Limits

- A. Any offender wanting to appeal the Step 1 response must submit an I-128 grievance form within 15 days from the date returned to the offender date listed in the office use only box on the Step 1. CGO staff shall accept grievances for review up to, and including the first working day beyond the 15 day time limit. The procedure shall be followed for processed and screened grievances.
- B. Central Grievance Office (CGO), Regional Grievance Office, or the department head shall have 40 days from the date the I-128 form was received at the unit to review, investigate, respond, sign, and return the appeal to the offender.
- C. Health Services staff shall respond to step 2 medical grievances within 45 days from the date the I-128 form was received at the unit to review, investigate, respond, sign and return the appeal to the offender. Emergency medical grievances shall be processed within the 45 day time limit and are not eligible for extensions as stipulated by the procedures in *1.04 Emergency Grievances*.

NUMBER: OGOM 4.00 Grievance Time Limits
DATE: SEPTEMBER 2014
PAGE: 2 of 2

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- D. Prior to the grievance due date, the Step 2 investigator shall complete the Notice of Extension (Appendix M), forward the original form to the offender and ensure a copy is attached to the grievance.
 - E. Proponent staff is responsible for sending an email notification prior to the original due date, to the administrator for Offender Grievance, or designee informing them that an extension is needed. The email should include the offender name, TDCJ number, grievance number and the original due date listed in the OFFICE USE ONLY box on the front of the form.
 - F. CGO clerical staff is responsible for all GR00 data entry regarding additional time needed to process a grievance, completing the *Appendix M* form, and forwarding the notice to the offender.

III. Monitoring Time Limits

- A. The regional grievance supervisor monitors the compliance of established time limits and extensions for Step 1 grievances in order to identify and resolve systemic problems in processing.
- B. The Administrator for Offender Grievance monitors the compliance of established time limits and extensions for Step 2 grievances in order to identify and resolve systemic problems in processing.
- C. Every effort shall be made to ensure no less than 95% of all processed grievances are within established time limits.

NUMBER: OGOM 5.00 Translations
DATE: SEPTEMBER 2014
PAGE: 1 of 1

SUBJECT: Translations

PURPOSE: To establish procedures and guidelines for translating Step 1 and Step 2 grievances.

PROCEDURES:

Step 1 and Step 2 grievances written in any language other than English shall be translated to English in order to identify emergency concerns that require immediate attention and appropriate processing.

I. Translations

- A. The translation shall be completed by an agency certified interpreter. A copy of the grievance narrative shall be provided to the certified interpreter in order to complete the translation. The translation shall not be paraphrased, even if the offender's comments are repetitive. The certified interpreter should be informed about grievance procedures, with respect to time limit requirements and confidentiality. The translation must include the certified interpreter's name, title and the date the translation was completed. Both documents are to be returned to the UGI. Upon receipt of the interpreted grievance, the grievance shall be processed according to procedures.
- B. If no certified interpreter is available, the UGI is to contact the regional grievance supervisor for assistance.
- C. A Step 2 grievance written in another language other than English must be translated prior to being mailed to the Central Grievance Office. If an emergency issue is identified in the grievance, the UGI shall proceed as directed in the grievance manual.
- D. All translations shall be retained with the file copy and not returned to the offender, maintained in the offender's grievance file at Step 1 and imaged in the computer imaging system at Step 2.

Number: OGOM 6.00 Transportation Grievances
DATE: SEPTEMBER 2014
Page: 1 of 2

SUBJECT: Transportation Grievances

PURPOSE: To establish procedures and guidelines for processing Step 1 and Step 2 transportation grievances.

PROCEDURES:

Grievance staff shall collect, review, and screen grievances regarding offender transportation issues the same as any other regular grievance. Unit grievance staff shall obtain a chain roster in the unit count room to ensure the grievance is a transportation department grievance and not a transfer using unit staff to transport the offender. These guidelines apply to the Offender Transportation Headquarters Office, not the Manufacturing and Logistics Departments.

I. Step 1 Transportation Grievance

- A. Unit grievance staff shall review the grievance for emergency allegations. If an emergency allegation is not identified, the grievance may be screened and returned to the offender unprocessed.
- B. Unit grievance staff shall further scrutinize the grievance to identify whether the issue presented is related to offender personal property, or transportation operational issues, regarding the enforcement of policy or conflicts with staff during transport.
- C. Unit grievance staff shall assign the grievance the appropriate issue code, and enter the data in the GR00 Case Tracking System the same as any other regular grievance.
- D. Grievances assigned a 900 issue code shall be forwarded to Central Grievance Office via first class mail.

II. Step 2 Transportation Grievances

- A. Upon receipt at CGO designated staff responsible for processing transportation grievances shall review the grievance to ensure the 900 issue code is correct. If the 900 issue code is incorrect, a CGO supervisor shall be immediately notified to determine the appropriate issue code to assign to the grievance. Staff shall update the issue code in the GR00 Screen 06 and contact Unit grievance staff regarding the issue code change. The original grievance is mailed back to unit grievance staff first class mail. A copy of the grievance is faxed to unit grievance staff so they may begin an investigation. The CGO maintains a copy of the grievance until the original is received at the unit.
- B. CGO staff shall assign the grievance to the Transportation Headquarters Office by entering their investigator ID in GR00 Screen 02. Two copies of Screen 02 are printed, one is maintained at CGO for tracking, and the other is forwarded with the original Step 1 grievance to the designated Offender Transportation grievance investigator (OTGI).
- C. The OTGI conducts the investigation, attach all investigative documentation, formulate a response to the offender, and acquire a signature from the Transportation Headquarters Office signature authority.
- D. If an extension of the 40-day time limit is needed to complete the investigation, the OTGI shall send a written request for an extension to the CGO.

Number: OGOM 6.00 Transportation Grievances
DATE: SEPTEMBER 2014
Page: 2 of 2

- E.** CGO clerical staff shall enter the extension in GR00 Screen 06 in the designated field, complete a Notice of Extension (Appendix M), make a copy of the form to attach to the grievance, and mail the original form to the offender.
- F.** Once the investigation is completed, the OTGI shall forward the original Step 1 grievance and all investigative documents to the CGO. The CGO staff shall update GR00 by entering the date received and sent in all "date fields," except the date closed. (The date will be the same).
- G.** CGO staff completes an inter-office communication (IOC) instructing the UGI to enter the closed date when the grievance is received at the unit, and to make a copy of the grievance for the offender's grievance file.
- H.** CGO staff shall forward the original Step 1 grievance and all investigative documentation to the unit grievance staff via first class mail. A copy of all documents are retained until the grievance is closed at the unit.
- I.** Unit grievance staff shall update GR00 date closed when the grievance is received from the CGO, and make a copy of the completed grievance for the offender's grievance file.
- J.** Unit grievance staff shall return the original Step 1 grievance with response and signature to the offender.

NUMBER: OGOM 7.00 Office of the Inspector General (OIG) Referrals
DATE: SEPTEMBER 2014 (Rev. 6/2016)
PAGE: 1 of 3

SUBJECT: Office of the Inspector General (OIG) Referrals

PURPOSE: To establish procedures and guidelines for processing Step 1 grievance for Office of the Inspector General referrals.

PROCEDURES:

Grievances alleging physical contact or assault by staff of an offender not reported through the use of force procedure (issue code 002), excessive or unnecessary use of force (issue codes 800/801/802), sexual assault, sexual contact or sexual harassment (issue codes 005/008/009/010/011/012/013), criminal acts by staff (issue code 803), harassment or retaliation for use of the grievance procedure and access to courts (issue codes 804/805) shall be given prompt attention and coordinated with the OIG. *All grievances referred to OIG require the completion of an OIG Fact sheet and an entry made in GR00 Screen 25 for OIG Referral Tracking.*

**Issue codes 005, 010, 013, 804 and 805 will only be sent to OIG if there is evidence to support the allegations.*

I. OIG Referrals

A. Physical Contact or Assault by Staff of an Offender Not Reported With the Use of Force Procedure (002).

1. Grievance staff shall follow procedures in accordance with section 1.03 *Emergency Grievances* of this manual for grievances alleging physical contact or assault of an offender by staff not reported through the use of force procedure.
2. A *Grievance Fact Sheet for OIG Investigations* shall be completed in accordance with the procedures outlined in *section II* below.

B. PREA Allegations (005, 008, 009, 010, 011, 012, 013, 016, 017, 019).

1. PREA related allegations shall be processed in accordance with section 1.04 *PREA Allegations Process* of this manual.
2. A *Grievance Fact Sheet for OIG Investigations* shall be completed in accordance with the procedures outlined in *section II* below.
3. Issue codes (005, 010 and 013) will only be referred to OIG if there is evidence to support the allegations.
4. Issue code 007 will only referred to OIG if there is a PREA related allegation.
5. Issue codes (016, 017, and 019) will be responded with OGOM 9.00, III (A) statement and referred to OIG.

C. Documented Use of Force (UOF) Excessive or Unnecessary (800, 801, 802).

1. Grievance staff shall review the grievance to ensure the allegations describe a reported excessive or unnecessary use of force by staff (*Review definitions*). Determine whether the use of force was documented by contacting the unit's Use of Force coordinator and obtain the assigned number.

NUMBER: OGOM 7.00 Office of the Inspector General (OIG) Referrals
DATE: SEPTEMBER 2014 (Rev. 6/2016)
PAGE: 2 of 3

Grievances that do not describe a reported use of force that was excessive or unnecessary do not warrant any further action and shall be considered not grievable and may be screened for #8. Attach a copy of Appendix C.

2. Grievance staff shall assign one of the grievance codes (800, 801, or 802) and enter it into the GR00 Automated Tracking System and refer it to OIG.
3. A copy of the grievance shall be forwarded to the unit warden or his designee for review during the Employee Use of Force Fact Finding Inquiry. The warden may take additional action deemed necessary and direct the grievance staff to complete the step 1 grievance process.
4. The appropriate Appendix J shall be completed in accordance with procedures indicated by section II *Grievance Fact Sheet for OIG Investigations* below.

Issue codes 005, 010, 013, 804 and 805 will only be sent to OIG if there is evidence to support the allegations.

D. Criminal Activity by Staff (803)

1. Grievances alleging criminal acts by staff shall be coordinated with the unit warden and the Office of the Inspector General.
2. A copy of the I-127 grievance form shall be forwarded to the warden or designee for review.
3. Grievance staff shall complete an OIG Fact Sheet following the procedures listed in section II. *Grievance Fact Sheet for OIG Investigations*.

E. Harassment or Retaliation for Exercising Access to Courts Rights or Use of the Grievance Procedure (804, 805).

1. Grievances that allege harassment or retaliation for exercising access to courts rights or use of the grievance procedure shall be identified and investigated in the same manner as any other staff complaint.
2. Investigations that fail to reveal evidence of harassment or retaliation for exercising access to courts rights or use of the grievance process shall be processed as a regular grievance and not referred to OIG.
3. Investigations that reveal evidence to support the allegations of harassment or retaliation for exercising access to courts or use of the grievance process shall be referred to OIG and processed in accordance with procedures listed in section II. *Grievance Fact Sheet for OIG Investigations*.

II. Grievance Fact Sheet for OIG Investigations (Appendix J-1 or J-2)

A. Step 1 Procedures - Appendix J-1 (Issue codes 005, 010, 013, 804, and 805 will only be sent to OIG if there is evidence to support the allegations.)

1. Unit grievance staff shall complete sections I - II of the **Step 1 Grievance Fact Sheet for OIG Investigations (Appendix J-1)**, obtain additional documentation (*when necessary*), attach a copy

NUMBER: OGOM 7.00 Office of the Inspector General (OIG) Referrals
 DATE: SEPTEMBER 2014 (Rev. 6/2016)
 PAGE: 3 of 3

of the grievance and forward to the regional grievance supervisor. Unit grievance staff shall then enter the fact sheet information into the GR00 25 OIG Referral Tracking screen.

2. The **Appendix J-1** and documents shall be forwarded by the regional grievance supervisor to a designated OIG staff member for processing. Regional grievance staff shall update the GR00 25 OIG Referral Tracking screen, review the OIG decision and return the fact sheet to the unit grievance staff.
3. Unit grievance staff shall review the OIG decision in section III of Appendix J-1 and formulate a response. The warden may take any additional action deemed appropriate and direct the grievance staff to complete the step 1 grievance process.
4. Forward the original I-127 grievance form and OG-01 worksheet with a suggested response to the warden or designee for review and signature.
5. Make a copy of the signed grievance and place the copy and all supporting documentation in the offender's grievance file.
6. Return only the original I-127 grievance form including response and warden's signature, to the offender. Any documentation submitted by the offender should also be returned.
7. Unit grievance staff shall make the final entry to the GR00, closing the grievance with the appropriate outcome and resolution codes.

B. Step 2 Procedures – Appendix J-2 (*Issue codes 005, 010, 013, 804, and 805 will only be sent to OIG if there is evidence to support the allegations.*)

1. Central grievance staff shall review step 2 grievances for new information and confirm that step 1 grievances was appropriately coded. Grievances inappropriately coded or with new information identified by the central grievance staff shall require an investigation at the unit level.
2. All step 1 grievance investigations require an Appendix J-1 and if not included with the investigation, central grievance staff shall request the unit grievance staff to forward as soon as possible.
3. Central grievance staff shall review the GR00 25 OIG Referral Tracking screen to ensure all entries are updated.
4. Central grievance staff shall complete sections I – II of the **Step 2 Grievance Fact Sheet for OIG Investigations (Appendix J-2)** and forward to the Regional OIG staff for review and investigation.
5. Central grievance staff shall review the OIG decision in section III of Appendix J-2 and formulate a response. The final entry shall be made to the GR00 25 OIG Referral Tracking screen and the grievance closed with an appropriate outcome and resolution code.

NUMBER: OGOM 8.00 Completing the E-Form
DATE: SEPTEMBER 2014
PAGE: 1 of 3

SUBJECT: Completing the E-Form

PURPOSE: Instructions for Completing the Request for Disciplinary Case Correction E-Form.

PROCEDURES:

Grievance staff shall follow instructions below when completing a request for a disciplinary case correction E-form.

- I. Access the E-Form on the TDCJ mainframe, type EMS from the MENU, or from a clear screen. At the EMS SYSM Main Menu type 4.4 and press enter. Disciplinary Case Correction is the name of the e-form. Select the form by entering "S" under the Option column. The form will appear. Enter the necessary information as listed below.
 1. **To:** Enter the name of the State Classification Committee member designated to review and process the corrections.
 2. **From:** Enter the name, work title, and unit of the person completing the e-form.
 3. **Date:** Enter the date the decision was made to correct the disciplinary case which is the date the appeal was granted.
 4. **Offender:** Enter offender's last name, and first name.
 5. **TDCJ No:** Enter the offender's number with zeroes (00) in front of it, if applicable.
 6. **Disciplinary Report Number:** Enter the 9-digit number of the disciplinary case being corrected.
 7. **Unit:** Enter the two-letter abbreviation for the unit where the hearing was held.
 8. **Hearing Date:** Enter the date of the disciplinary hearing.
 9. **Offense Date:** Enter the offense date.
 10. **Hearing and Penalty Category:** Enter the two letter code of the disciplinary case: MA = major hearing with major punishment; MM = major hearing with minor punishment; MI = minor hearing; and MR = major reduced to minor. This information can be found on the UCR Screen 06 or DI00 Screen 05 under the LVL column.
 11. **Grievance Number:** Enter the grievance number or ADMIN if the correction is not the result of a grievance appeal.
 12. **Offense:** Enter the offense code and title of the offense listed on the disciplinary report. There may be more than one.
 13. **Punishment:** Enter the punishment listed on the disciplinary report. At this point, you have to tab back to the Enter Command and type "D" to go to the next page.
 14. **Recommendation:** Enter an "X" in front of one of the following, but NOT BOTH.
 - a. **Delete:** This means the case will be removed from the offender's disciplinary computer records and the deletion will be posted on the State Classification Committee's offender files.

NUMBER: OGOM 8.00 Completing the E-Form
 DATE: SEPTEMBER 2014
 PAGE: 2 of 3

- b. **Modify:** This means an offense or punishment will be changed. Enter the offense or punishment that the disciplinary report should list.
- 15. **Correction Request Authorized By:** Enter the name and title of the person requesting the correction. It must be one of the persons listed in Section IV of AD 04.35, "Review of Offender Disciplinary Actions."
- 16. **Reason for Correction:** Enter the reason why the correction is being requested. This will assist if a rehearing will be conducted and in preventing similar occurrences through training.
- 17. **Form Copy Distribution:** The copy distribution of the e-form will depend on the source of the correction request, and is outlined below. Locate the user ID numbers for the persons in each point of distribution prior to preparing the e-form. If the person does not have a User ID, make a copy of the e-form and forward to them.
 - a. Press F3 to access the Routing Screen.
 - b. Tab down until one space under the routing information, then tab one time.
 - c. Enter the first User ID number and tab seven times. Type the next user ID number and continue until all ID numbers have been entered.
 - d. When finished entering User ID numbers, press enter.
 - e. Routing information errors that need correction will be highlighted.
 - f. When routing information is correct, type send at the Enter Command.
 - g. Message will be sent to those on the routing list.
- II. The **e-form distribution** for a grievance appeal granted at **Step 1, or an independent administration review** initiated by the unit, is as follows:
 - 1. Classification and Records Office (CRO) member or designee – Record copy.
 - 2. UGI – Copy will be attached to the grievance in the offender's grievance file.
 - 3. Unit counsel substitute supervisor.
 - 4. Disciplinary hearing officer.
 - 5. Chief of Unit Classification – Copy will be attached to the respective disciplinary case maintained in the offender's unit file in the Records Office.
 - 6. Count room supervisor.
 - 7. Regional grievance supervisor.
 - 8. Regional counsel substitute supervisor.

NUMBER: OGOM 8.00 Completing the E-Form
DATE: SEPTEMBER 2014
PAGE: 3 of 3

9. Manager, Offender Grievance.
10. Administrator, Counsel Substitute Program.
11. Administrator, Disciplinary Coordination.

NUMBER: OGOM 9.00 Third Party Grievances
DATE: SEPTEMBER 2014
PAGE: 1 of 2 (Rev. 3/2016)

SUBJECT: Third Party Grievances

PURPOSE: To establish procedures and guidelines for processing Third Party grievances.

THIRD PARTY GRIEVANCE ISSUE CODES

- (016) Third party allegations of sexual abuse. (Abuse/assault/contact by offender)
- (017) Third party allegation of sexual abuse (Abuse/assault/contact by staff).
- (018) Alleged victim of third party complaint that does not wish to file a grievance.
- (019) Grievance filed by the alleged victim of the third party complaint.

PROCEDURES:

In response to the PREA standard 115.52, the Central Grievance Office has established procedures assigning issue codes for grievances involving sexual abuse related issues submitted by a third party on behalf of an offender.

I. Third Party Grievance Process

- A. Notifications received from a fellow offender or a non-incarcerated third party (e.g. staff members, family members, attorneys, and outside advocates) relating to allegations of sexual abuse, sexual assault, or sexual contact shall be processed in accordance with the **Safe Prisons/PREA Compliance Plan** and **OGOM 1.04 PREA Allegations**.
- B. Third party grievances shall be processed on behalf of an offender only for sexual abuse related complaints and shall not include sexual harassment (**010 and 013**) or voyeurism (**005**) complaints.

II. Third Party Grievance Coding

- A. Unit grievance staff shall code third party grievances or administrative remedy requests as follows:
 - 1. Review the initial complaint to identify specific issue presented and determine the appropriate issue code for processing:
 - **016** *Third party allegations of sexual abuse by another offender*
 - **017** *Third party allegations of sexual abuse by a staff member*
 - 2. Interview the alleged victim identified in the complaint and provide an **Appendix-U** (Third Party Preliminary Investigation Form). Instruct the alleged victim to document the decision to agree or decline to have the request processed on his or her behalf on the Appendix U.
 - **018** *The alleged victim declines to file a grievance as a result of a third party complaint.*

NUMBER: OGOM 9.00 Third Party Grievances
DATE: SEPTEMBER 2014
PAGE: 2 of 2 (Rev. 3/2016)

- a. Alleged offender victims who decline to have the request processed on their behalf shall require an entry in GR00 and assigned issue code 018 with the alleged victim's information. All 018 grievances shall be closed with outcome code "R" and the grievance number documented on the Appendix U form.
 - **019** *The alleged victim agrees to file a grievance as a result of a third party complaint*
 - *Reminder, in addition to the 019 issue code, a secondary code will be used to identify the PREA allegation. This is the only time a secondary code will be used on a grievance.*
 - b. Alleged offender victims who agree to have the request processed on their behalf shall require an entry in GR00 and assigned issue code 019 with the alleged victim's information. All 019 grievances shall be closed with outcome code "T" and the grievance number documented on the Appendix U form.
3. Attach the **copy of the third party grievance or complaint** with the alleged victims completed grievance.

III. Third Party Grievance Responses

- A. Grievances submitted by a fellow offender shall be closed with the outcome code "R", and the third party offender with the following response:
- The unit administration has been notified of your third party sexual abuse complaint. The issue reported will be processed in accordance with agency policies and procedures. The outcome of any investigation or action taken will be kept confidential and not disclosed to the reporting party.*
1. Make a copy the completed Appendix-U and place in the third party offender's grievance file.
- B. The UGI shall attach submitted complaints by non-incarcerated third parties to the *copy* of the completed Appendix-U and file in the alleged victim's file.
1. Respond back to the third party using a designated correspondence form.

GRIEVANCE FORMS

1. **Instructions on How to Write and Submit Grievances (OG-02):** Detailed instructions are available to offenders in the Law Library, Orientation Handbook, and posted in prominent locations throughout the unit. The form is printed in English and Spanish. **(Appendix B)**
2. **Non-Grievable Issues Return Form:** Completed for grievances that are returned for certain non-grievable issues as identified on the form. The unit grievance investigator (UGI) will check the appropriate box, attach to the returned grievance, and return it to the grievance to the offender unprocessed. **(Appendix C)**
3. **Issue Codes Table of Contents & Issue Codes:** Listing of codes that identifies the subject of a grievance. **(Appendix D)**
4. **Outcome Codes:** Listing of codes that identify the outcome of a grievance investigation. **(Appendix E)**
5. **Step 1 Offender Grievance Form (I-127):** Formal complaint form completed by offenders when informal resolution does not resolve an issue. **(Appendix F)**
6. **Step 2 Offender Grievance Form (I-128):** Form completed by offenders when they are dissatisfied with the response on a Step 1 grievance. **(Appendix G)**
7. **Grievance Investigation Worksheet (OG-01):** Completed by the UGI as each section applies to the grievance being investigated. All investigative information shall be documented in the designated spaces provided on the form or attached to the form. **(Appendix H)**
8. **Emergency Checklist (OG-004):** Checklist is completed to determine if a matter presented in a grievance or correspondence should be processed as an emergency and given priority attention. **(Appendix I)**
9. **Fact Sheet for Step 1 OIG Investigation (OG-009):** Completed to facilitate basic fact-finding issues that warrant referral to the Office of Inspector General (OIG). This completed document and a copy of the grievance will be forwarded according to the current instructions found in Chapter VII, OGOM. **(Appendix J-1)**
10. **Fact Sheet for Step 2 OIG Investigation (OG-009):** Completed to facilitate basic fact-finding issues that warrant referral to the Office of Inspector General (OIG). This completed document and a copy of the grievance will be forwarded according to the current instructions found in Chapter VII, OGOM. **(Appendix J-2)**
11. **Disciplinary Worksheet and Document Checklist (OG-005):** Checklist is required for all offender disciplinary appeals. **(Appendix K)**
12. **Documents and Forms Required for Investigation of Medical Grievances Checklist:** Checklist is required for all medical grievances. **(Appendix L)**
13. **Notice of Extension (OG-007):** Complete this form when additional time is needed to complete an investigation. The original is forwarded to the offender and a copy attached to the file copy of the grievance being extended. **(Appendix M)**
14. **Property Settlement Agreement Form:** Completed when an offender is offered restitution for property items lost or damaged while in possession of TDCJ at the time its loss or damage. **(Appendix N)**
15. **Monetary Reimbursement Agreement Form:** Completed during the Step 2 process when resolution of lost or damaged property can only be made by depositing money into the offender's trust fund account. The UGI will receive an email with instructions from the Central Grievance Office when to complete the form. **(Appendix O)**
16. **AD-02.29 Attachment A, TDCJ Records Disposition Log:** The purging of grievance files is documented on this log and forwarded to the Executive Services Department. **(Appendix Q)**
17. **Staff Use of Slurs or Hostile Epithets Referral Form:** Allegations are referred to the appropriate agency authority when credible evidence exists. **(Appendix R)**
18. **New Grievance Employee Training Verification Form:** Completed for all new grievance staff within 30 days of selection; after graduation from the TDCJ Training Academy; or reports to the grievance office. **(Appendix S)**
19. **Offender Grievance Operations Manual Employee Verification Form:** To be completed annually by all grievance staff actively involved in processing grievances. **(Appendix T)**
20. **Third Party Preliminary Investigation:** Completed for sexual abuse, sexual assault or sexual act grievances submitted by a third party on behalf of an offender. **(Appendix U)**
21. **Resolution Codes:** List of codes that describes a specific action taken to address a grievance. **(Appendix V)**
22. **Restricted and Confidential:** Documentation that follows this sheet is restricted and confidential and should not be released without authorization of the Administrator of Offender Grievance. **(Appendix W)**

Texas Department of Criminal Justice
INSTRUCTIONS ON HOW TO WRITE AND SUBMIT GRIEVANCES

1. *Grievance forms are available from the law library, housing area, shift supervisors, or by contacting the unit grievance office. After completely filling out the form, place it in the grievance box yourself or hand it directly to the grievance investigator on your unit. Step 2 appeals must be accompanied by the original, answered Step 1.*
2. An attempt to informally resolve your problem must be made before filing a grievance. **Informal resolution** is defined as any attempt to solve the issue at hand and must be noted on the Step 1 grievance form (I-127). You have 15 days from the date of the alleged incident or occurrence of the issue presented in which to complete the Step 1 grievance form and forward it to the unit grievance investigator (UGI). The Step 1 process may take up to 40 days from the date the unit grievance office receives the Step 1 form to respond. Disciplinary appeals are required to be completed within 30-days. If you are not satisfied with the Step 1 response, you may appeal the Step 1 decision by filing a Step 2 (I-128). You have 15 days from the date returned to offender on the Step 1 to submit the Step 2 to the grievance investigator on the unit. The Step 2 process may take up to 40 days to provide you a written response or 45 days for medical grievances. **Present only one issue per grievance.**
3. **Additional time** may be required in order to conduct an investigation at either Step 1 or Step 2 and in either case; you will be **notified of the extension in writing.**
4. **Complete your grievance using a typewriter or dark ink. If you need assistance filing a grievance or understanding a response, contact your unit grievance investigator.**
5. **The following issues are grievable through the Offender Grievance Procedure.** Remember that you may only file a grievance on issues that PERSONALLY APPLY TO YOU unless you are reporting a sexual assault, sexual abuse, or sexual contact on behalf of another offender.
 - * The interpretation or application of TDCJ policies, rules, regulations, and procedures.
 - * The actions of an employee or another offender, including denial of access to the grievance procedure.
 - * Any reprisal against you for the good faith use of the grievance procedure or Access to Courts;
 - * The loss or damage of authorized offender property possessed by persons in the physical custody of the Agency, for which the Agency or its employees, through negligence, are the proximate cause of any damage or loss.
 - * Matters relating to conditions of care or supervision within the authority of the TDCJ, for which a remedy is available.
6. **You may not grieve:**
 - * State or federal court decisions, laws and/or regulations;
 - * Parole decisions;
 - * Time-served credit disputes which should be directed to the Classification and Records, Time Section;
 - * Matters for which other appeal mechanisms exist;
 - * Any matter beyond the control of the agency to correct.
7. **Established criteria that may be applied to regular grievances, to ensure that the offender has used the grievance program responsibly;** however, most grievances may be corrected and resubmitted within 15 days from the signature date on the returned grievance.
 - * Grievable time period has expired. (Step 1 grievances must be submitted within 15 days from the date of incident and Step 2 Appeals must be submitted within 15 days from the date returned to offender on the Step 1.)
 - * Submission in excess of 1 every 7 days. (All grievances received in the grievance office will be reviewed; however, only one grievance will be processed every Seven days [with the exception of disciplinary appeals, medical grievances, and emergency grievances].)
 - * Originals not submitted. (Carbon copies are not considered originals even if they have an original signature. The original answered Step 1 must be submitted with a Step 2 Appeal.)
 - * Inappropriate/excessive attachments. (Your grievance must be stated on one form and in the space provided. Attach only official documents that support your claim, such as I-60's, sick call requests, property papers, and other similar items)
 - * No documented attempt at informal resolution. (You are required to attempt to resolve issues with a staff member prior to filing a grievance. Remember, the attempt must be documented in the space provided on the I-127 form.)
 - * No requested relief is stated. (The specific action required to resolve the complaint must be clearly stated in the space provided.)
 - * Malicious use of vulgar, indecent, or physically threatening language directed at an individual.
 - * The issue presented is not grievable. (Refer to #6 above.) **Disciplinary appeals will not be processed until after the disciplinary hearing.**
 - * Redundant. (You may not repeatedly grieve matters already addressed in a previous grievance)
 - * The text is illegible/incomprehensible. (Write your grievance so that it can be read and understood by anyone.)
 - * Inappropriate. (You may not ask for monetary damages or any form of disciplinary action against staff.)

Do not use a grievance form to comment on the effectiveness and credibility of the grievance procedure; instead, submit a letter or I-60 to the administrator of the Offender Grievance Program.

Departamento de Justicia Criminal de Texas

INSTRUCCIONES EN COMO ESCRIBIR Y ENVIAR QUEJAS

1. **Las formas para Quejas están disponibles en la biblioteca de ley, área de vivienda, supervisores o contactando la oficina de quejas de la unidad.** Después de llenar completamente la forma, colóquela usted mismo en la caja de quejas o entréguela directamente al investigador de quejas en su unidad. *Las apelaciones en el Paso 2 deben estar acompañadas por el original, respuesta del Paso 1.*
2. Primero debe de tratar de resolver su problema informalmente antes de presentar su queja. **Resolución Informal** se define como cualquier intento por resolver el problema a la mano y debe anotarlo en la queja Paso 1 forma (I-127). Usted tiene 15 días de la fecha del incidente o de cuando ocurrió el problema presentado para completar la queja Paso 1 y enviarla al investigador de quejas de la unidad (UGI). El proceso de Paso 1 puede tomar hasta 40 días desde la fecha que la oficina de quejas de la unidad recibe la forma Paso 1 para responder. Si usted no está satisfecho con la respuesta del Paso 1, usted puede apelar la decisión del Paso 1 llenando un Paso 2 (I-128). Usted tiene 15 días desde la fecha volvió a ofender en el Paso 1 para presentar el Paso 2 al investigador de quejas de la unidad. El proceso Paso 2 puede tomar hasta 35 días para darle una respuesta escrita o 45 días por quejas médicas. **Presente solamente un asunto por queja.**
3. **Tiempo adicional** se puede requerir para efectuar una investigación ya sea del Paso 1 o Paso 2 y en cualquier caso; usted será **notificado de la extensión por escrito.**
4. **Llene su queja usando una máquina de escribir o tinta negra. Si usted necesita ayuda para llenar una queja o entendiendo una respuesta, comuníquese con el investigador de quejas de su unidad.**
5. **Los siguientes asuntos son tratados a través del Proceso de Quejas del Ofensor.** Recuerde que usted puede solamente presentar quejas en asuntos que APLICAN PERSONALMENTE A USTED a menos que usted esté reportando un asalto sexual, abuso sexual, o contacto sexual en nombre de otro ofensor.
 - * La interpretación o aplicación de políticas, reglas, reglamentos y procedimientos de TDCJ.
 - * Las acciones de un empleado u otro ofensor, incluyendo la negación de acceso al procedimiento de quejas.
 - * Cualquier represalia en su contra por el uso en buena fe del procedimiento de quejas o Acceso a Cortes.
 - * La pérdida o daño de la propiedad autorizada del ofensor en posesión de personas en la custodia física de la agencia, por la cual la Agencia o sus empleados, por negligencia, son la causa aproximada de cualquier daño o pérdida.
 - * Asuntos relacionados a condiciones de cuidado o supervisión dentro de la autoridad de TDCJ, por el cual un remedio es disponible.
6. **Usted no puede quejarse por:**
 - * Decisiones de cortes Estatales o federales, leyes y/o regulaciones;
 - * Decisiones de Libertad Condicional (Parole);
 - * Disputas en crédito de Tiempo-servido las cuales deberán ser dirigidas a Classification and Records, Time Section;
 - * Asuntos por los cuales otros mecanismos de apelación existen;
 - * Cualquier asunto fuera del control de la Agencia para corregirlo.
7. **Los siguientes criterios pueden ser aplicados a quejas regulares, para asegurar que el ofensor ha usado el Programa de Quejas de Ofensores responsablemente;** sin embargo, la mayoría de las quejas pueden ser corregidas y enviadas otra vez dentro de 15 días de la fecha firmada en que se regresó la queja.
 - * El período para presentar su queja ha terminado. (Quejas Paso 1 deben de entregarse dentro de 15 días de la fecha del incidente y apelaciones Paso 2 deben ser enviadas dentro de 15 días de la fecha volvió a ofender en el Paso 1).
 - * Presentar quejas en exceso de 1 cada 7 días. (Todas las quejas recibidas en la oficina de quejas serán revisadas; sin embargo, solamente una queja será procesada cada Siete días [con la excepción de disciplina, medico, y quejas de emergencia].)
 - * Original no presentada. (Copias carbón no son consideradas originales aún si ellas tienen una firma original. El original del Paso 1 contestado debe ser enviado con una apelación Paso 2.)
 - * Demasiadas páginas o inapropiadas. (Su queja debe ser escrita solo en una forma y en el espacio proveído. Adjunte solo documentos oficiales que apoyen su reclamo, tales como I-60's, llamadas de enfermo (sick call), papeles de propiedad, y otros artículos similares)
 - * No documentó el intento de resolución informal. (Se le pide a usted intentar de resolver problemas con un empleado antes de enviar una queja. Recuerde, el intento debe de ser documentado en el espacio proveído en la forma I-127.)
 - * No especifica que remedio pide. (La acción específica requerida para resolver el reclamo debe ser claramente anotada en el espacio proveído.)
 - * Uso malicioso de lenguaje vulgar, indecente o amenazador físicamente dirigido a un individuo.
 - * El asunto presentado no es de queja (Consulte el #6 arriba.) Apelaciones disciplinarias no serán procesadas hasta después de la audiencia disciplinaria.
 - * Repetición. (Usted no puede quejarse repetidamente de asuntos ya presentados en una queja anterior.)
 - * El texto es ilegible e incomprensible. (Escriba su queja de manera que pueda ser leído y entendido por cualquiera)
 - * Inapropiado. (Usted no puede pedir por daños monetarios o por ninguna forma de acción disciplinaria contra un empleado.)

No use una I-127 para comentar la efectividad y credibilidad del proceso de quejas; en su lugar, envíe una carta o I-60 al administrador del Programa de Quejas del Ofensor.

NON-GRIEVABLE ISSUES

- ☐ Direct this issue to Director's Review Committee (DRC).
- ☐ Direct this issue to the Classification and Records – Time Credit Section.
- ☐ All reported uses of force are reviewed by designated use of force staff and will not be addressed through the grievance procedure

Grievance Investigator: _____

Grievance Number: _____

NON-GRIEVABLE ISSUES

- ☐ Direct this issue to Director's Review Committee (DRC).
- ☐ Direct this issue to the Classification and Records – Time Credit Section.
- ☐ All reported uses of force are reviewed by designated use of force staff and will not be addressed through the grievance procedure

Grievance Investigator: _____

Grievance Number: _____

TDCJ OFFENDER GRIEVANCE PROCEDURE ISSUE CODES

Instructions: One issue code is assigned and addressed to each grievance utilizing this detailed list. This code should reflect the **MOST SERIOUS** issue presented in the grievance.

There are 11 screening criteria that were developed to manage caseload and encourage offenders to utilize the Offender Grievance Procedure responsibly. **Emergency grievances** are **not** eligible for screening and shall be processed accordingly. Grievance investigators are to err on the side of caution when there is any level of uncertainty regarding the use of screening criteria. (See each category for the use of screening criteria).

****ALL BOLDED ITALICIZED ISSUE CODES WILL BE SENT TO OIG AND REQUIRE OIG FACT SHEETS**** *Issue codes 005, 010, 013, 804 and 805 will only be sent to OIG if there is evidence to support the allegations.*

EMERGENCY (Screening criteria does not apply)

- 000** ALLEGATIONS OF PHYSICAL HARM FROM ANOTHER OFFENDER (Physical contact occurred)
- 002** ***ALLEGATIONS OF PHYSICAL CONTACT OR ASSAULT BY STAFF of an offender not reported through the use of force procedure. ALL 002'S WILL BE REFERRED TO OIG WITH A OIG FACT SHEET. (Use CODES 800 or 801 for allegations of excessive or unnecessary REPORTED uses of force.)***
- 003** MEDICAL EMERGENCIES (To include threats of Suicide. For Hunger Strike use Code 671)
- 004** ADA ISSUES (Denial of access to a program, service or activity based on a disability)
- 005** ***VOYEURISM (An invasion of privacy of an offender, detainee, or resident by staff for reasons unrelated to official duties) (Send to OIG if evidence supports allegations).***
- 006** DISCRIMINATION BASED ON GENDER OR NATIONALITY.
- 007** EXTORTION (Obtaining currency, property, or demanding the performance of an action by coercion, violence, or threat of violence [sexual favors, commissary items or trust fund deposits])
- 008** ***ALLEGATIONS OF SEXUAL ASSAULT BY ANOTHER OFFENDER (Penetration of the anus, sexual organ, or mouth of another person by any means, without that person's consent).***
- 009** ***ALLEGATIONS OF SEXUAL CONTACT BY ANOTHER OFFENDER (Sexual contact between the genitals of one person and the genitals, mouth, anus, or hands of another person, to include sexual fondling, without that person's consent)***
- 010** ***ALLEGATIONS OF OFFENDER SEXUAL HARASSMENT (Verbal statements, comments of a sexual nature; demeaning references to gender, derogatory comments about the body) (Send to OIG if evidence supports allegations).***

- 011 ***ALLEGATIONS OF SEXUAL ASSAULT BY STAFF (Penetration of the anus, sexual organ, or mouth of another person by any means, without that person's consent).***
- 012 ***ALLEGATIONS OF SEXUAL CONTACT BY STAFF (Sexual contact between the genitals of one person and the genitals, mouth, anus, or hands of another person, to include sexual fondling, without that person's consent)***
- 013 ***ALLEGATIONS OF STAFF SEXUAL HARASSMENT (Verbal statements, comments of a sexual nature; demeaning references to gender, derogatory comments about body or clothing; or gestures to an offender by an employee, volunteer, contractor, official visitor, or agency representative) (Send to **OIG** if evidence supports allegations).***
- 014 **ALLEGATIONS OF VERBAL THREATS OF PHYSICAL HARM FROM ANOTHER OFFENDER**
- 015 **ALLEGATIONS OF VERBAL THREATS OF PHYSICAL HARM FROM STAFF**
- 016 ***THIRD PARTY ALLEGATIONS OF SEXUAL ABUSE (Abuse/ assault/contact by offender)***
- 017 ***THIRD PARTY ALLEGATIONS OF SEXUAL ABUSE (Abuse/ assault/contact by staff)***
- 018 **ALLEGED VICTIM OF THIRD PARTY COMPLAINT DOES NOT WISH TO FILE GRIEVANCE**
- 019 ***GRIEVANCE FILED BY THE ALLEGED VICTIM OF THIRD PARTY COMPLAINT***
- 020 **LETHAL INJECTION ISSUES (Complaints regarding medications used)**

RELIGION *(All screening criteria apply)*

- 100 **RELIGIOUS SERVICE OR MEMBERSHIP**
- 101 **RELIGIOUS PARAPHERNALIA**
- 102 **RELIGIOUS GROOMING**
- 104 **DISCRIMINATION BASED ON RELIGION**
- 112 **CONFISCATION OF RELIGIOUS PROPERTY**
- 199 **IMPROPER OR UNPROCESSED RELIGIOUS GRIEVANCE (Screened using criteria on reverse of grievance forms)**

CLASSIFICATION MATTERS *(All screening criteria apply)*

- 200 **HOUSING ASSIGNMENT (Complaints regarding Housing Assignment including Medical Restrictions not being followed) IN-CELL INTEGRATION / ASSIGNMENT TO TWO-PERSON CELLS / OFFENDER REQUEST FOR HOUSING REASSIGNMENT**
- 201 **JOB ASSIGNMENT (Complaints regarding Work Assignment including Medical Restrictions not being followed)**
- 202 **ADMINISTRATIVE SEGREGATION (Initial Placement, Pre-Hearing Detention, Review Hearings, Status, Leveling)**

- 206 EDUCATIONAL / VOCATIONAL TRAINING (Windham School, Educational Testing, Lee College, Class Schedules, Project RIO, Changes, etc.)
- 207 REHABILITATION PROGRAMS (Sex Offender Rehabilitation Program (SORP), Substance Abuse Treatment Program (SATP), Pre-Release & Innerchange)
- 209 CLASSIFICATION STATUS / CUSTODY LEVEL FOR OFFENDERS NOT IN ADMINISTRATIVE SEGREGATION (UCC and SCC Decisions. For Administrative Segregation Offenders, use Code 202)
- 210 FURLOUGH / WORK RELEASE (Including Emergency Absences and Medical Reprieves)
- 211 SECURITY THREAT GROUP (Confirmation, SCC, "Ex"-Gang Investigations initiated to confirm status, etc.)
- 214 GOOD TIME (Absentee Tracking Issues, Work time, etc.)
- 299 IMPROPER OR UNPROCESSED CLASSIFICATION GRIEVANCE (Screened using criteria on reverse of grievance forms)

COMMUNICATION *(All screening criteria apply)*

- 300 VISITATION (Any issue regarding Visitation. For Legal Visits, use Code 706)
- 301 TELEPHONE ACCESS (Any issue regarding Telephone access. For Legal Telephone Access, use Code 702)
- 302 INTERVIEW REQUESTS (I-60 not answered, Administration will not interview, etc.)
- 303 ACCESS TO FORMS (I-60, Sick Call, Other Non-Grievance Forms. For Grievance forms, use Code 910.)
- 304 GENERAL MAIL (May include complaints about Mailroom Staff tampering with General Mail, Distribution, Rejection, etc. For complaints involving Security Staff, use Code 814 and for complaints involving Indigent Mail, use Code 701.)
- 305 PACKAGES (May include complaints about Mailroom Staff tampering with Packages, Mishandling, Distribution, Rejection, etc. For Lost Publications, use Code 515 and for complaints involving Security Staff, use Code 814.)
- 306 PUBLICATIONS (May include complaints about Mailroom Staff tampering with Publications, Mishandling, Distribution, Rejection, etc. For Lost Publications, use Code 515 and for complaints involving Security Staff, use Code 814.)
- 307 SPECIAL / LEGAL / MEDIA MAIL (May include complaints about Mailroom Staff tampering with Special/Legal Mail, Opening Mail in Error, Not Sealing Mail, Mishandling, Distribution, Rejection, etc. For complaints involving Security Staff, use Code 814.)
- 308 MAIL NOT DELIVERED IN ACCORDANCE WITH CORRESPONDENCE RULES TIME LIMITS
- 309 USE OF SOCIAL MEDIA (Facebook, Instagram, Pinterest, Snapchat, Tumblr, Twitter, etc.)
- 399 IMPROPER OR UNPROCESSED COMMUNICATION GRIEVANCE (Screened using criteria on reverse of grievance forms)

DISCIPLINARY *(All screening criteria apply, except #2 & #5)*

- 400 DUE PROCESS AND PROCEDURAL RIGHTS VIOLATIONS (Errors concerning improper conduct, insufficient notice, admitting or excluding evidence or witnesses, etc.)
- 410 INSUFFICIENT EVIDENCE TO SUPPORT A FINDING OF GUILT (Failure at hearing to produce evidence necessary to refute offender's non-frivolous evidence, lack of photos or drug tests when they should have been included)
- 411 PENALTY IMPOSED BY THE DHO WAS TOO SEVERE (Punishment beyond established limits or excessive punishment within "the limits" considering circumstances of the case)
- 499 IMPROPER OR UNPROCESSED DISCIPLINARY GRIEVANCE (Screened using criteria on reverse of grievance forms)

FACILITY OPERATIONS *(All screening criteria apply)*

- 500 FOOD (Food Services Issues e.g., Improper Temperature, Unsanitary Serving Practices, Portions, Quality of Food, Non-Provision of Special Diet. For Medical Diets, use Code 657)
- 501 COMMISSARY (Warranties, Hours, Product Availability, Accessibility, Lost ID Cards, etc.)
- 502 TRUST FUND (ITF Holds, Improper Deductions, Failure to Withdraw Funds. For Medical Co-Pay Issues, use Code 673)
- 503 SANITATION (Issues regarding the cleanliness of any area of the unit)
- 504 NECESSITIES (Bedding, Clothing, Shoes, Boots, or State-Issued Hygiene Items, such as Toothpowder, Soap, Toilet Paper, etc.)
- 505 ACTIVITY ROTATION (Building Schedule)
- 506 LIVING CONDITIONS (Temperature, Ventilation, etc.)
- 507 WORKING CONDITIONS (Pertaining to the Work Environment Only, e.g., Temperature, Hazards, Hours, etc.)
- 508 GROOMING (Shaving, Haircuts. For Religious Grooming concerns, use Code 102.)
- 509 RECREATION (Denials, Inclement Weather, Equipment)
- 510 SHOWERS (Denials, Schedules)
- 512 CONFISCATED / CONTRABAND PROPERTY (For Religious items, use Code 112; for Medical items, use code 612; and for Legal items, use Code 712)
- 513 REGULATIONS / OFFENDER PERSONAL PROPERTY
- 514 PROPERTY IN TRANSIT / SHIPPED PRISON STORE (As a result of unit transfer, transportation, or events [A MST # is required for Prison Store shipping])
- 515 PROPERTY LOST / MISSING / DAMAGED / STOLEN / (As a result of staff, other offenders, or events. Includes lost publications)
- 518 SEARCHES (Body Cavity, Living Area, Housing, Pat, Strip, Work, etc.)
- 522 MAINTENANCE (All areas of the unit)
- 523 FACILITY LOCKDOWN (Includes suspension of activities less than 24 hours)

- 524 OFFENDER DRUG TESTING PROCEDURES (Includes any issue regarding Random Drug Testing Program through the operational review sergeant)
- 525 CRAFT SHOP (Participation, Denial, Storage Space, etc.)
- 526 SAFETY ISSUES (Injuries sustained as a result of behavior/conditions [Injuries beyond first aid require completion of RM-04 form])
- 598 **TEMPERATURE RELATED (Used as a secondary code to indicate any issue related to temperature)**
- 599 IMPROPER OR UNPROCESSED FACILITY OPERATIONS GRIEVANCE (Screened using criteria on reverse of grievance forms)

MEDICAL STAFF COMPLAINTS / HEALTH SERVICES (All screening criteria apply)

- 600 COMPLAINTS AGAINST NURSING STAFF (R.N., LVN, medication aids)
- 601 COMPLAINTS AGAINST PHYSICIANS (Unit based MD, DO)
- 602 COMPLAINTS AGAINST PHYSICIAN EXTENDERS (PA, NP, FNP, etc.)
- 603 COMPLAINTS AGAINST ANCILLARY MEDICAL STAFF (Medical records, lab techs, phlebotomists, x-ray techs, CCA's, etc.)
- 604 COMPLAINTS AGAINST MENTAL HEALTH STAFF
- 605 COMPLAINTS AGAINST DENTAL STAFF
- 606 HARASSMENT, RETALIATION, DISCRIMINATION, UNETHICAL BEHAVIOR, OTHER, BY HEALTH CARE STAFF
- 607 CONFIDENTIALITY / PRIVACY ISSUES
- 608 DENIED / DELAYED ACCESS TO MEDICAL TREATMENT / INFIRMARY SERVICES
- 609 DENIED / DELAYED ACCESS TO MENTAL HEALTH SERVICES
- 610 DENIED / DELAYED ACCESS TO DENTAL SERVICES
- 611 DENIED / DELAYED ACCESS TO SPECIALIST SERVICES (Specialty Clinic appointments. Includes delays and missed Specialty clinic appointments)
- 612 CONFISCATED MEDICAL PROPERTY (May include, but not limited to the following: e.g., partials, dentures, glasses, contacts, braces, medications, canes, crutches, walkers, wheelchairs, medical supplies, special footwear, appliances, etc.)
- 613 CANCELED / MISSED APPOINTMENT ISSUES (Routine unit based appointments)
- 614 DELAYED / MISSED APPOINTMENTS ATTRIBUTED TO SECURITY / OPERATIONAL STAFF / LACK OF ESCORTS **(CODE ONLY AN 814)**
- 615 HEALTH CARE INTERPRETER SERVICES ISSUES
- 616 DENIAL / DELAYS IN OBTAINING NEW OR RENEWED MEDICATIONS
- 617 TIME SENSITIVE / KOP (KEEP-ON-PERSON PROGRAM) / NON-FORMULARY MEDICATION ISSUES
- 618 INSUFFICIENT OR INEFFECTIVE MEDICATION ISSUES

- 619 PILL LINE / PILL WINDOW / MEDICATION DISTRIBUTION ISSUES (Includes medication deliverance through Pill Window, Direct Observed Therapy [DOT], TYLENOL distribution by correctional staff and supervisors, etc.)
- 620 MEDICATION DISPENSING IN ADMINISTRATIVE SEGREGATION (All aspects, includes during lockdown)
- 621 ALLERGIC REACTION / ADVERSE EFFECTS / MEDICATION ERRORS ISSUES
- 622 PHOTOSENSITIVE / HEAT SENSITIVE MEDICATION ISSUES
- 623 LIQUID / CRUSHED MEDICATION / INJECTION / SPECIAL DISPENSING ISSUES
- 624 INEFFECTIVE / NSUFFICIENT / DENIAL / DELAY IN RECEIVING MEDICAL TREATMENT
- 625 TREATMENT PROCEDURES ORDERED BY A PROVIDER NOT FOLLOWED
- 626 CHRONIC CARE / PRE-EXISTING CONDITIONS /CONTINUITY OF CARE ISSUES
- 627 DIABETIC ISSUES
- 628 HEPATITIS / LIVER ISSUES
- 629 HIV ISSUES
- 630 TB ISSUES
- 631 HEART / BLOOD PRESSURE ISSUES
- 632 ONCOLOGY ISSUES
- 633 STAPH INFECTION ISSUES
- 634 CLIPPER SHAVE ISSUES
- 635 WHEELCHAIRS / WALKERS / CANES / CRUTCHES / ACE WRAPS / BRACES / SPECIAL EQUIPMENT ISSUES (C-PAP machines/tens units etc.)
- 636 LABORATORY TESTING / X-RAYS / DIAGNOSTIC TESTING ISSUES
- 637 DISAGREEMENTS WITH OR MISDIAGNOSIS ISSUES
- 638 WORK RESTRICTIONS / HOUSING ISSUES / HEALTH SUMMARY FOR CLASSIFICATION (HSM-18) ISSUES (Medical restrictions not being followed)
- 639 WORK ASSIGNMENT NOT COMMENSURATE WITH THE HEALTH SUMMARY FOR CLASSIFICATION (HSM-18) ISSUES (Medical restrictions not being followed)
- 640 WORK ASSIGNMENT PRIOR TO / DURING / OR AFTER SURGERY / TREATMENT / ILLNESS ISSUES
- 641 MEDICAL UNIT REASSIGNMENT ISSUES
- 642 PROVIDER NOT FOLLOWING PRIVATE PHYSICIAN / SPECIALTY CLINIC RECOMMENDATIONS
- 643 DENIAL OF SPECIALTY CLINIC REFERRALS / APPOINTMENTS
- 644 SPECIALTY CLINIC SCHEDULING ISSUES (Includes delays, missed appointments, and elective surgery issues)
- 645 SPECIAL TRANSPORTATION FOR MEDICAL REASONS (Ambulance, ADS van, Multi-Purpose Vehicle for medical [MPV], other)

- 646 DENIED / DELAYED RECEIPT OF TREATMENT / SPECIAL DIETS WHILE IN TRANSIT STATUS
- 647 SICK CALL REQUEST RESPONSE ISSUES (Includes not responded to, responded to but not in a timely manner, inappropriate responses)
- 648 MEDICAL PASSES ISSUES
- 649 NON-TDCJ MEDICAL RECORDS / OPEN RECORDS REQUESTS
- 650 RELEASE OF INFORMATION ISSUES (Authorization for Use and Disclosure of Protected Health Information [PHI])
- 651 HEALTH RECORDS INFORMATION (Allegations of discrepancies, falsification, omissions, missing or unauthorized changing)
- 652 HEALTH RECORD / DOCUMENT REVIEW ISSUES (Offender requests to review own health records)
- 653 HEALTH RECORD / DOCUMENT COPY ISSUES (Offender requests to obtain a copy of own health records, private historical medical records and archived records)
- 654 ASSISTIVE DISABILITY SERVICES (ADS) / HANDICAPPED/SPECIAL MEDICAL NEEDS
- 655 GERIATRIC ISSUES
- 656 HOSPICE ISSUES
- 657 SPECIAL THERAPEUTIC DIET ISSUES (Includes supplements and snacks, Diet for Health)
- 658 WEIGHT LOSS / WEIGHT GAIN ISSUES
- 659 SPECIAL FOOTWEAR / APPLIANCE ISSUES (Replacement / repair of missing, broken, worn out footwear or appliance / eligibility for services. Also includes not satisfied with treatment / footwear / appliances)
- 660 OPHTHALMOLOGY / OPTOMETRY / GLASSES / OPTICAL PROSTHESIS ISSUES (Includes requests for appointments, tinted lenses and contact lens)
- 661 VISUAL ACUITY AND ELIGIBILITY FOR OPTOMETRY / OPHTHALMOLOGY REFERRALS / APPOINTMENT ISSUES (Includes denial of appointment)
- 662 DENTAL ISSUES (Includes eligibility for services / requests for services / not satisfied with services)
- 663 DENIAL / DELAYS IN RECEIVING DENTAL SERVICES
- 664 DENTURE / PARTIAL DENTURE ISSUES
- 665 MENTAL HEALTH ISSUES (Requests for mental health treatment / denial / delays in being seen / not satisfied with treatment)
- 666 MENTAL HEALTH MEDICATION ISSUES
- 667 FORCED MENTAL HEALTH MEDICATION ISSUES
- 668 DEVELOPMENTAL DISABILITY PROGRAM (Formerly Mentally Retarded Offender Program [MROP])
- 669 PAMIO ISSUES (Physically Aggressive Mental Ill Offender Program)

- 670 CRISIS MANAGEMENT ISSUES (Mental Health, includes precaution and restraint issues)
- 671 HUNGER STRIKE ISSUES
- 672 MENTAL HEALTH PROGRAM ISSUES (Step Down Program, etc)
- 673 COPAYMENT ISSUES
- 674 NON-MEDICAL PERSONNEL INTERFERENCE WITH HEALTH SERVICES
- 675 HEAT / COLD (Temperature related medical issues)
- 676 PHYSICAL THERAPY / OCCUPATIONAL THERAPY ISSUES
- 677 RESPIRATORY THERAPY / CARE ISSUES
- 678 AUDIOLOGY ISSUES (Hearing Issues)
- 679 BRACE AND LIMB CLINIC ISSUES
- 680 DIALYSIS CLINIC ISSUES
- 699 IMPROPER OR UNPROCESSED MEDICAL GRIEVANCE (Screened using criteria on reverse of grievance forms)

LEGAL *(All screening criteria apply)*

- 700 ACCESS TO COURTS (Interference with Legal Activities)
- 701 INDIGENT CORRESPONDENCE SUPPLIES/MAIL (Denial of Indigent Legal, or Personal Writing Supplies, Postage, Certified Mail)
- 702 TELEPHONE ACCESS (Attorney / Consular Phone Calls)
- 703 LAW LIBRARY LEGAL RESEARCH MATERIAL (Availability, Restriction, Delivery, etc.)
- 704 LAW LIBRARY (Hours of Operation, Accessibility, etc.)
- 705 LEGAL VISITS WITH OTHER OFFENDERS
- 706 ATTORNEY VISITS
- 707 NOTARY SERVICE
- 709 LEGAL PROPERTY (Search, or Denial of Access)
- 710 INADEQUATE LEGAL SERVICES PROVIDED BY STATE COUNSEL FOR OFFENDERS
- 711 OPEN RECORDS REQUESTS
- 712 CONFISCATED LEGAL PROPERTY
- 713 ADDITIONAL STORAGE (Denial of Additional Storage for Legal , Religious, Educational, or Medical)
- 799 IMPROPER OR UNPROCESSED LEGAL GRIEVANCE (Screened using criteria on reverse of grievance forms)

STAFF COMPLAINTS *(All screening criteria apply)*

- 800 ***USE OF FORCE*** *(Allegations of a Reported Use of Force that was Inappropriate or Excessive)*
- 801 ***USE OF CHEMICAL AGENTS*** *(Inappropriate Use of, Decontamination, etc.)*
- 802 ***POINTED A WEAPON***
- 803 ***CRIMINAL ACTIVITY BY STAFF*** *(Alleged violations of State or Federal Law) This includes giving an order or an action taken by staff that would cause the offender harm (Official Oppression).*
- 804 ***RETALIATION / HARASSMENT FOR USE OF GRIEVANCE PROCEDURE*** *(Send to OIG if evidence supports allegations).*
- 805 ***RETALIATION / HARASSMENT FOR EFFORTS TO EXERCISE ACCESS TO COURTS RIGHTS*** *(Send to OIG if evidence supports allegations).*
- 806 **ALLEGATIONS OF HARASSMENT FOR CONTRIBUTING TO OR COOPERATING WITH AN OFFICIAL INVESTIGATION**
- 808 **THREATS FROM STAFF** *(Not of Physical Harm)*
- 810 **ALLEGATIONS OF STAFF USE OF PROFANITY / OBSCENE LANGUAGE**
- 811 **USE OF SLURS / HOSTILE EPITHETS**
- 812 **HARRASSMENT, RETALIATION / TAUNTING / BADGERING / INTIMIDATION**
- 814 **ALLEGATION OF STAFF DENIAL / INTERFERENCE WITH AN ACTIVITY** *(Such as, Recreation, Shower, etc.)*
- 815 **UNPROFESSIONAL STAFF CONDUCT** *(Behavior That Does Not Fall into any Other Category)*
- 899 **IMPROPER OR UNPROCESSED STAFF COMPLAINT GRIEVANCE** *(Screened using criteria on reverse of grievance forms)*

MISCELLANEOUS *(All screening criteria apply)*

- 900 **TRANSPORTATION** *(Any issue regarding Offender Movement via Bus, Van, etc. For issues involving Property Lost / Damaged during Transportation, use Code 514 and for Medical Transportation Issues, use Code 645)*
- 901 **ALLEGATIONS AGAINST OTHER OFFENDERS** *(Action taken by another offender against the grievant not covered under any other code)*
- 903 **GRIEVANCE STAFF**
- 904 **GRIEVANCE PROCEDURE / PROCESSING / UNTIMELY RESPONSE**
- 910 **ACCESS TO GRIEVANCE FORMS**
- 911 **DNA Issues**
- 999 **IMPROPER OR UNPROCESSED MISCELLANEOUS GRIEVANCE** *(Screened using criteria on reverse of grievance forms)*

OUTCOME CODES

C Administratively Closed

This code is applied only by the administrator of the Offender Grievance Program or Program Supervisor relative to extenuating circumstances: such as the investigation into a grievance reveals the named offender indicates he did not file the complaint and does not want the complaint filed on his behalf and submits a written statement to that effect. Additionally; if a grievance has been lost by UGI the offender is allowed to resubmit the grievance under a new grievance number.

D No Corrective Action Required

- Available evidence does not support the complaint
- Insufficient evidence for further investigation
- Redundant complaint
- Property settlement offer refused
- Grievances that include allegations of unreported use of force; criminal acts by staff; or harassment or retaliation for access to courts rights (e.g., filing grievances or other legal activities) are referred to the OIG for review. This code should be used when OIG staff determines there is insufficient evidence to open an OIG investigation.

H Grievances Screened/Returned to the Offender for Correction and Re-Submission

Use of this code is restricted to grievances that are screened during the review process using one or more of the screening criteria listed on the reverse side of a Step 1 or Step 2 grievance form. The offender will have an additional 15 days to correct and resubmit the grievance.

O Referred to Employee relations

Outcome code “O” is only used when a grievance is referred regarding staff use of slurs or hostile epithets.

R Corrective Action Taken

- Policy, procedure, rules, or practice changed
- Records corrected
- Property returned / Property settlement made
- Other corrective actions as appropriate

T Referred to the Office of the Inspector General

- Criminal acts by staff
- PREA related allegations
- Allegations of a reported use of force that was alleged excessive/unnecessary and OIG opens a case. (800) (801) (802)
- Allegations of an unreported use of force or inappropriate use of chemical agents (002)
- Harassment/retaliation for access to courts rights or use of the grievance procedure (**only if there is evidence**).

U Reported Use of Force

This code should be used when OIG **does not open a case** into a reported use of force grievance alleged to be unnecessary and excessive.

STEP 1 OFFENDER GRIEVANCE FORM

Grievance #: _____

Date Received: _____

Date Due: _____

Grievance Code: _____

Investigator ID #: _____

Extension Date: _____

Date Retd to Offender: _____

Unit where incident occurred: _____

What action was taken?

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

DEFENDANTS' DISCLOSURE - 0451 Appendix F

Action Requested to resolve your Complaint.

Offender Signature: _____ Date: _____

Grievance Response:

Signature Authority: _____ Date: _____
 If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response.
 State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

OFFICE USE ONLY

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

PASO 1

Para Uso De La Oficina Solamente

Date Retd to Offender:_____

DEFENDANTS' DISCLOSURE - 0453

Acción que usted solicita para resolver su problema.

Firma del Ofensor: _____ Fecha: _____

Decisión Administrativa:

Firma de la Autoridad: _____ Fecha: _____
 Si usted no está satisfecho con la respuesta del Paso 1, (I-127). Usted puede enviar el Paso 2 (I-128) al Investigador de Quejas de la unidad dentro de 15 días de la fecha de la respuesta del Paso 1. Escriba la razón de su apelación en la forma del Paso 2.

Su Queja fue regresada por las siguientes razones:

**Presente su queja cuando haya corregido su error en el formulario.*

- ☐ 1. El límite establecido de 15 días para presentar su queja ha terminado.
- ☐ 2. Presentó mas de una queja en el período establecido de 7 días.*
- ☐ 3. La forma original no fue presentada. *
- ☐ 4. La queja tiene páginas excesivas o inapropiadas. *
- ☐ 5. No hay documentación que indique que usted trato de resolver su queja informalmente.*
- ☐ 6. No indicó que remedio solicita para resolver su problema.*
- ☐ 7. Contiene lenguaje vulgar, indecente o amenazador físicamente. *
- ☐ 8. Su problema no se puede solucionar presentando esta queja. *
- ☐ 9. Ya presentó esta queja anteriormente, queja # _____
- ☐ 10. No se puede leer, no se entiende. *
- ☐ 11. No es apropiado. *

UGI Printed Name/Signature: _____

La aplicación del criterio de revisión para esta queja no se espera que afecte adversamente la salud del ofensor.

Medical Signature Authority: _____

OFFICE USE ONLY

Para Uso De La Oficina Solamente

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

Offender Signature: _____ Date: _____

Grievance Response:

Signature Authority: _____ Date: _____

Returned because: **Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 6. Inappropriate. *

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____



Departamento de Justicia Criminal de Texas

PASO 2 FORMULARIO DE QUEJAS

OFFICE USE ONLY

Para Uso De La Oficina Solamente

Grievance #: _____

UGI Recd Date: _____

HQ Recd Date: _____

Date Due: _____

Grievance Code: _____

Investigator ID #: _____

Extension Date: _____

Nombre: _____ TDCJ # _____

Unidad: _____ Celda Asignada: _____

Unidad donde ocurrió el incidente: _____

Para procesar su apelacion al Segundo nivel, necesita mandar junto con su formulario (I-128) el original del formulario (I-127) con la respuesta y la firma del guardian. Usted no puede apelar su queja al Segundo nivel, si su queja al primer nivel fue regresada sin procesar.

Escriba la razón de su apelación (sea específico).

Yo no estoy satisfecho con la respuesta del Paso 1 porque....

FIRME AL REVERSO DE ESTA FORMA

(Continúa al reverso)

Firma del Ofensor: _____ Fecha: _____

Respuesta Administrativa en referencia a su apelacion:

Firma de la Autoridad: _____ Fecha: _____

Su queja fue regresada por las siguientes razones:

*Presente esta forma otra vez cuando haya hecho las correcciones

- ☐ 1. El periodo para presentar su queja ha terminado. *
- ☐ 2. No se puede leer, no se entiende. *
- ☐ 3. El documento original no fue presentado. *
- ☐ 4. La queja tiene páginas excesivas o inapropiadas. *
- ☐ 5. Contiene lenguaje vulgar, indecente o amenazador físicamente. *
- ☐ 6. No es apropiado.*

CGO Staff Signature: _____

OFFICE USE ONLY

Para Uso De La Oficina Solamente

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

GRIEVANCE INVESTIGATION WORKSHEET

Restricted & Confidential

GRIEVANCE OFFICE USE
ONLY

STEP 1

STEP 2

Unit: _____ Investigator ID: I Date Initiated: _____ Date Completed: _____ Date Due: _____

Offender Name: _____ TDCJ No: _____ Grievance Number: _____

Issue Code:	EMERGENCY	ADA	()	Property	()	Use of Force (UOF)	()	
	YES	()	Disciplinary	()	Religion	()	Harassment or Retaliation*	()
	NO	()	Medical	()	OPI Investigation	()	PREA	()

Harassment or Retaliation of Use of the Grievance Procedure, Access to Courts, or other Legal ActivityNote: Offenders are not allowed to review the grievance investigation worksheet at any time. For claims of sexual abuse, sexual assault, criminal acts by staff, Excessive or Unreported UOF, the investigation must be conducted by the Office of Inspector General (OIG) and the OIG Fact Sheet completed.***Summary of Issue:** (Include date, time and location):**Requested Remedy:**

The following is to be completed and signed by the Investigating Official. Attach statements/supporting documentation, if applicable.

Summary of Fact Finding Activity:**Suggested Response to Offender:****OUTCOME CODE:** _____ **RESOLUTION CODE:** _____

Investigating official completes the section below:

Printed Name: _____ **Signature:** _____**Title:** _____ **Date:** _____

This grievance is being processed in an effort to resolve a problem through the established procedures identified in BP-03.77 and AD-0382. It is expressly prohibited to subject the grievant, other offenders, or staff to any form of reprisal for the use of these procedures.

GRIEVANCE INVESTIGATION WORKSHEET

Official Statement

Unit: _____ Staff Name: _____ Grievance #: _____ Date: _____

Offender Name: _____ TDCJ#: _____ Housing Location: _____

In accordance with BP 03.77, you are required to participate in this investigation as noted. Address each allegation thoroughly. **Do not respond with indefinite answers such as "I don't know" or "I have no knowledge of".** If you have no knowledge, explain the reason why. (e.g., I was on vacation; I was not assigned there, etc.) Your answers are to be factual, professional, and complete. Do not include opinions or unrelated comments. Remember, the Executive Director, Office of the Inspector General (OIG), Attorney General's Office and State and Federal Court Officials may review your response. **All grievances are confidential and may not be discussed between you and the offender or with other individuals.** You are expected to return this investigation within 10 working days of receipt. Additional time may be requested by contacting the grievance investigator. Sign and date the form in the designated locations when completed and return it to the Unit Grievance Office. If you were provided a narrative copy of the grievance, it must also be returned to the Unit Grievance Office. **The grievance may not be duplicated or shared with the accused staff member.**

Please Provide the Following Documents

- | | |
|--|---|
| <input type="checkbox"/> Participant(s) Statement _____ | |
| <input type="checkbox"/> Witness (es) Statement (signed) _____ | |
| <input type="checkbox"/> Activity Logs (Recreation, Shower, Feeding) | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Shift Roster | <input type="checkbox"/> Staff or Offender Protection Investigation |
| <input type="checkbox"/> Ingress/Egress Log | <input type="checkbox"/> Property Inventory Forms |
| <input type="checkbox"/> Property Confiscation Form | <input type="checkbox"/> Property Logs |

ALLEGATIONS: _____

EMPLOYEE STATEMENT: _____

PRINTED NAME

SIGNATURE

DATE

RANK/TITLE

SHIFT/DEPARTMENT

SUPERVISOR COMMENTS: _____

PRINTED NAME

SIGNATURE

DATE

RANK/TITLE

SHIFT/DEPARTMENT

Offender Name: _____ TDCJ #: _____ Unit: _____ Grievance #: _____

Emergency Checklist

An Emergency complaint is defined as a written complaint requiring immediate action about matters that would subject the offender to substantial risk of personal injury or cause other serious or irreparable harm for incidents such as sexual assault, requests for protection, extortion, or medical emergencies.

The following checklist may be used to determine if the matter presented in the complaint should be processed as an emergency. It is imperative that the following questions be answered as fairly, impartially and objectively as possible. If the answer is "yes" to questions 1-5, the complaint should be processed as an emergency in accordance with agency policy. When applying Checklist question #6, questions #1-#5, should reflect N/A, and the grievance shall be coded as a regular grievance subject to all screening criteria.

This checklist must be maintained with the grievance in the offender's file (subject to record retention requirements).

1. Does the allegation describe an incident of sexual abuse, sexual assault without that person's consent?
☐ YES ☐ NO ☐ N/A, see #6
2. Does the allegation describe an incident of unwelcome sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a derogatory or offensive sexual nature?
☐ YES ☐ NO ☐ N/A, see #6
3. Does the allegation describe an unreported use of force or any physical contact that would present a substantial risk to the offender, irreparable harm, or place the offender in serious danger?
☐ YES ☐ NO ☐ N/A, see #6
4. Does the allegation describe a situation, or a specific threat by a staff member or another offender that would present a substantial risk to the offender, cause irreparable harm, or place the offender in serious danger?
☐ YES ☐ NO ☐ N/A, see #6
5. Does the allegation involve the denial of treatment that would present a substantial risk to the offender, cause irreparable harm, or place the offender in serious danger?
☐ YES ☐ NO ☐ N/A, see #6
6. Does the allegation describe an incident that has been previously identified and/or addressed in another grievance?
☐ YES ☐ NO

Grievance Number: _____

If the response to question #6 was yes, were the following actions taken in regards to this incident?

- | | | |
|---|------------------------------|-----------------------------|
| • Telephone call to highest ranking security supervisor | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| • Immediate written notification (email) to appropriate staff | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| • Copy of narrative provided to appropriate staff | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| • Investigation was initiated | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

I have thoroughly reviewed the information that was provided to me. All of the answers given to the above questions are true and correct to the best of my knowledge.

Printed Name of Reviewer

Signature of Reviewer

Date

Section I. Grievance Information

Instructions: Upon receipt of a grievance alleging sexual assault, sexual abuse, sexual harassment, excessive or unreported use of force, criminal activity by staff or harassment/retaliation for exercising access to courts, or the offender grievance program, the Grievance Investigator (UGI) shall complete Section I, and forward a copy of the grievance along with the Fact Sheet to the Regional Grievance Supervisor (RGS) for processing.

Referral Type:		PREA		Use of Force		Harassment /Retaliation	
		<input type="checkbox"/> Sexual Assault	<input type="checkbox"/> Excessive	<input type="checkbox"/> Exercising Access to Courts			
		<input type="checkbox"/> Sexual Contact	<input type="checkbox"/> Unreported	<input type="checkbox"/> Offender Grievance			
<input type="checkbox"/> Criminal Activity by Staff	<input type="checkbox"/> Sexual Harassment						
Unit administrative investigation completed and attached?				<input type="checkbox"/> Yes	<input type="checkbox"/> No		

Offender Name: _____ TDCJ: _____ Grievance #: _____

Alleged Incident Date: _____ Time: _____ Unit: _____ Location: _____

Alleged Staff Involved: _____ Rank/Title: _____ SS #: _____
 _____ Rank/Title: _____ SS #: _____
 _____ Rank/Title: _____ SS #: _____
 _____ Rank/Title: _____ SS #: _____

What was the employee's alleged actions?

Section II. Review by Regional or Central Office Supervisor

Instructions: The RGS or CGOS shall review the grievance and Fact sheet, sign, date and forward to the designated OIG Regional Office.

RGS Printed Name: _____ Signature/Date: _____

Section III. Review by OIG Supervisor

Instructions: Upon review of the grievance, support documentation and Fact Sheet, the OIG Supervisor shall make a determination and check the appropriate box (a, b). Sign and return a copy of the grievance and the Fact Sheet to the RGS or CGOS, as appropriate.

a. ☐ OIG case # _____ assigned;

b. ☐ Insufficient evidence to open an OIG investigation.

OIG Supervisor Printed Name: _____ Signature/Date: _____

Section IV. Completion

RGS Received Printed Name: _____ Signature/Date: _____

Instructions: The RGS shall review the OIG decision, and forward the grievance and Fact Sheet to the UGI to complete the Step1 process. The UGI shall formulate a response based on the unit administrative investigation and/ or OIG decision.

UGI Received Printed Name: _____ Signature/Date: _____

Section I. Grievance Information						
<i>Instructions: Upon receipt of a grievance alleging sexual assault, sexual abuse, sexual harassment, excessive or unreported use of force, criminal activity by staff or harassment/retaliation for exercising access to courts, or the offender grievance program, the Grievance Investigator (UGI) shall complete Section I, and forward a copy of the grievance along with the Fact Sheet to the Regional Grievance Supervisor (RGS) for processing.</i>						
	PREA		Use of Force		Harassment /Retaliation	
Referral Type:	<input type="checkbox"/>	Sexual Assault	<input type="checkbox"/>	Excessive	<input type="checkbox"/>	Exercising Access to Courts
	<input type="checkbox"/>	Sexual Contact	<input type="checkbox"/>	Unreported	<input type="checkbox"/>	Offender Grievance
	<input type="checkbox"/>	Sexual Harassment	<input type="checkbox"/>	Criminal Activity by Staff		
Unit administrative investigation completed and attached?			<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Medical:						
Offender Name:		TDCJ:		Grievance #:		
Alleged Incident	Date:	Time:	Unit:	Location:		
Alleged Staff Involved:		Rank/Title	SS #			
		Rank/Title	SS #			
		Rank/Title	SS #			
		Rank/Title	SS #			
What were the employee's alleged actions?						
Section II. Review by Central Grievance Office Supervisor						
<i>Instructions: The CGOS shall review the grievance and Fact sheet, sign, date and forward to the designated OIG Regional Office.</i>						
CGOS Printed Name:			Signature/Date:			
Section III. Review by OIG Supervisor						
<i>Instructions: Upon review of the grievance, support documentation and Fact Sheet, the OIG Supervisor shall make a determination and check the appropriate box (a, b). Sign and return a copy of the grievance and the Fact Sheet to the RGS or CGOS, as appropriate.</i>						
a.	<input type="checkbox"/>	OIG case # _____ assigned;				
b.	<input type="checkbox"/>	Insufficient evidence on open an OIG investigation.				
OIG Supervisor Printed Name:			Signature/Date:			
Section IV. Completion						
<i>Instructions: The CGOS shall review the OIG decision, and the unit administrative investigation and/ or OIG decision.</i>						
CGO Supervisor Printed Name:			Signature/Date:			

Disciplinary Worksheet and Document Checklist*This form must be used in combination with the OG-01 Grievance Worksheet*

Offender Name: _____ TDCJ #: _____ Grievance #: _____

Disciplinary Case #: _____

☐ MAJOR☐ MINOR☐ I-47 MA☐ I-210 (Front and back)☐ CS 09☐ Outpatient Mental Health Services☐ I-47 MI☐ I-217☐ CS 10-11 A and B

Disciplinary Case Review

☐ CS 12☐ CS 14 (if applicable)

Offender Plea:

☐ Guilty☐ Not Guilty☐ None

Was the disciplinary tape reviewed?

☐ Yes ☐ No ☐ N/A (Minor) Disciplinary Tape # _____Was the offender served with notice of charges within
30 days of the date of discovery of offense?☐ Yes ☐ No _____

If no to the above, was an extension approved/attached?

☐ Yes ☐ No _____

Did the offender receive 24-hour notice prior to the hearing?

☐ Yes ☐ No _____

Did the offender waive the 24-hour notice?

☐ Yes ☐ No _____

Was hearing held within 20 days after notice service?

☐ Yes ☐ No _____

If no, to the above, was an extension approved/attached?

☐ Yes ☐ No _____

Was an Interpreter requested/required at the hearing?

☐ Yes ☐ No _____

Was offender present at the hearing?

☐ Yes ☐ No _____

Did the CS/offender make a statement at the hearing?

☐ Yes ☐ No _____

Did the CS/staff/offender statement refute the charge?

☐ Yes ☐ No _____

Was the charging officer requested at the hearing?

☐ Yes ☐ No _____

Was charging officer present at the hearing?

☐ Yes ☐ No _____

Were offender/staff witnesses requested?

☐ Yes ☐ No _____

Were offender/staff witnesses present?

☐ Yes ☐ No _____Was the offender allowed to submit documentary evidence
at the hearing?☐ Yes ☐ No _____

If so, did the evidence refute the charge?

☐ Yes ☐ No _____Were witness statements, lab reports (drug related cases),
medical records if appropriate, presented as evidence?☐ Yes ☐ No _____

Did either staff or offender testimonies refute the charge?

☐ Yes ☐ No _____Does a preponderance of the evidence presented justify the
finding of guilt or innocence, and any disciplinary
sanctions imposed?☐ Yes ☐ No _____Was the punishment consistent with the guidelines
established in the Disciplinary Rules and Procedure?☐ Yes ☐ No _____**Notes:**

Completed By: Signature: _____

Date: _____

Printed Name: _____

Title: _____

Offender Name: _____ TDCJ #: _____ Unit: _____ Grievance #: _____

Documents and Forms Required for Investigation of Medical Grievances
The following forms and documentation are generally required for grievance investigations.

		Date		Name & Title	
1	Unit Grievance Investigator forwards the original grievance, or a copy for multiple issue medical grievances, the OG-01 worksheet, and page 1 of this checklist to the Medical Department.				
2	Unit Practice Manager/Health Administrator, or Director of Nursing/Nurse Administrator reviews issues, routes to responsible party and compiles the following paperwork:				
2(a)	Supporting documentation from the medical record	Y	N	N/A	Comments
	• Provider/Nursing/Clinic Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Refusal forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Sick Call Requests/Sick Call logs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Master Problem List	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• X-ray reports	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Specialty clinic notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Lab reports	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• PULHES/HSM-18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Passes-medication/medical issue items (braces, crutches, shoes, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Dental records	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Mental health records	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Treatment flow sheets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Lay-in lists	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Security Logs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Compliance reports	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Discharge summaries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	• Release of Information-Hospital Galveston only	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Provide other written records required to offer proof of provision of services. All persons participating in clinical and non-clinical services to offenders are bound by the same rules of confidentiality and shall not be excluded from viewing such records necessary to complete the review/appeal process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(b)	Copies of all signed statements from medical/dental/mental health staff who are specifically named in the Step 1 Grievance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(c)	Individual medical/dental/mental health discipline manager/designee findings & recommendations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(d)	Informal resolution attempted by the offender through the Facility Medical Complaints Coordinator before the Step 1 Grievance was filed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Sign and forward all compiled Health Services documentation and statements to the Grievance Investigator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4	Received by the Unit Grievance Investigator signature.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

* The Unit Grievance Staff is responsible for obtaining non-medical statements and forwarding all investigative documents to the Central Grievance Office in Huntsville, if a Step 2 Offender Grievance is filed.

Step 1	<input type="checkbox"/>	Grievance #	Offender Name	TDCJ #	Unit
Step 2	<input type="checkbox"/>				



Texas Department of Criminal Justice

NOTICE OF EXTENSION

Offender Grievance Office

In accordance with the procedures outlined in BP-03.77, "Offender Grievances," and AD-03.82, "Management of Offender Grievances," you are hereby notified that additional time is necessary to complete the investigation of your:

Step 1 Grievance: *(check the applicable box)*

- ☐ An additional 30 days is needed for appropriate response to your disciplinary appeal.
- ☐ An additional 40 days is needed for appropriate response to your grievance.
- ☐ An additional 45 days is needed for appropriate response to your medical Step 1 grievance.

Step 2 Grievance: *(check the applicable box)*

- ☐ An additional 30 days is needed for appropriate response to your disciplinary appeal.
- ☐ An additional 40 days is needed for appropriate response to your Step 2 grievance.
- ☐ An additional 45 days is needed for appropriate response to your medical Step 2 grievance.

Name and Title

Date

Original – Send to the Offender

Copy – Attach to the Grievance

PROPERTY SETTLEMENT AGREEMENT

I, _____, TDCJ # _____, do voluntarily accept the below listed items as full settlement of the property claim submitted in Grievance/Claim # _____. By acceptance of these items, I agree to no longer hold the Texas Department of Criminal Justice liable, past, present or future, for the property mentioned in the above stated claim. I also hereby agree to abandon all claims against the Texas Department of Criminal Justice and all persons for any damages arising from the loss or damage.

Items offered as Settlement

- | | |
|-----------|-----------|
| 1. _____ | 11. _____ |
| 2. _____ | 12. _____ |
| 3. _____ | 13. _____ |
| 4. _____ | 14. _____ |
| 5. _____ | 15. _____ |
| 6. _____ | 16. _____ |
| 7. _____ | 17. _____ |
| 8. _____ | 18. _____ |
| 9. _____ | 19. _____ |
| 10. _____ | 20. _____ |

Date

Offender Signature

Witnessed By:

TDCJ#

Printed Name

Signature/Rank

Printed Name

Signature/Rank

Texas Department of Criminal Justice

Inter-Office Communication

To: Property Claim File

Date: _____

No. _____

From: Offender _____

Subject: Monetary Reimbursement

TDCJ # _____

Agreement Form

Unit _____

I, _____, TDCJ# _____,

do hereby voluntarily agree to accept \$_____ as full settlement of Property Claim

#_____. By acceptance of the above, I agree to no longer hold the Texas

Department of Criminal Justice liable, past, present or future, for the property mentioned in the above

stated claim. I also hereby agree to abandon all the claims against the Texas Department of Criminal

Justice and all persons for any damages arising from the loss or damage. I understand that the amount

to be reimbursed will be deposited directly into my Trust Fund Account.

Date_____
Claimant's Name

Witnessed By:

Claimant's Social Security Number_____
Printed Name_____
Signature/Title_____
Printed Name_____
Signature/Title

Definitions

Coercion- Is the practice of forcing another person to behave in an involuntary manner (whether through action or inaction) by use of threats, rewards, or intimidation or some other form of pressure or force.

Contraband- Any item which an offender is prohibited to possess or obtain according to the offender Orientation Handbook while in custody, unless the offender receives the item as a result of a state or federal court order or legitimately through the litigation process.

Dead file- An inactive file kept of grievances written by offenders that were not able to be identified.

Emergency grievance- Is a written complaint which requires immediate action about matters that would subject an offender to a substantial risk of personal injury or cause other serious or irreparable harm for incidents, such as sexual assault, requests for protection, extortion, or medical emergencies. *Screening criteria and extensions may not be applied.*

Extension- Additional time granted to complete an investigation. Each grievance that is extended, the time allotted would double the original time frame. An extension should be exception not the rule. Emergency grievances are not eligible for extensions.

Extortion- The appropriation of currency or property by coercion, violence, or the threat of violence with intent to deprive the owner of the currency or property; or demands the performance of an action by coercion, violence, or the threat of violence.

Grievance- Is a formal written complaint from an offender.

Unit grievance staff - Is defined as the Unit Grievance Investigator (UGI), alternate UGI, and grievance clerical staff assigned to the Grievance Department. An alternate UGI is further defined as a staff member, designated by the warden, who has: been trained by grievance staff; issued an assigned investigator ID number; granted GR00 Case Tracking System access; is knowledgeable about the grievance process; and who can function as the grievance investigator in the UGI's absence.

GR00 Case Tracking System-The TDCJ Mainframe computer database utilized to track all offender grievances.

Issue codes- A numerical code assigned to a grievance that identifies the offender's issue.

OIG- Office of the Inspector General.

Offender- Generic term that applies to a person under the supervision of TDCJ or a CSCD.

Offender Protection Investigation- (OPI) -A formal administrative investigative report documenting facts and findings associated with offender allegations of sexual abuse, threats of sexual abuse, extortion, violence, and threats of violence by another offender.

Outcome codes- An alphabetic code assigned to a grievance that identifies an action taken to address an offender's issue.

Prison Rape Elimination Act (PREA) Ombudsman- An appointed official who coordinates the agency's efforts to eliminate sexual assault in TDCJ correctional facilities, and provide an independent office to receive and respond to allegations of sexual assault.

Property- Any item authorized by TDCJ policy for possession by an offender, to include Inmate Trust Fund Accounts.

1 (Rev. 6/2015)

Definitions

Protective Custody - An Administrative Segregation status designed to provide the ultimate protection of offenders. For their safety, protective custody offenders are housed in accordance with the Administrative Segregation Plan. This status is usually associated with serious, direct, proven threats on an offender's safety.

Regular grievances- Any grievance that does not identify an emergency related issue or problem.

Repetitive emergency grievances – Any grievance that has been previously identified and addressed in another grievance.

Reported excessive/unnecessary Use of Force – a **documented** use of force that is reported to be excessive and unnecessary

Reprisal – Is any coercion, threat, or harassment against anyone for the use of, or participation in, the offender grievance procedure.

Resolution Code- A numeric code assigned to grievances that describes the specific action taken to address an offender's issue.

Resolution Support Manager-The position in the Administrative Review and Risk Management Division responsible for oversight of Access to Courts, Offender Grievance and the Ombudsman Program.

Safekeeping - Safekeeping is designed for offenders identified as being more vulnerable than the average general population offender. Unlike Protective Custody, Safekeeping offenders go to work, school, and other activities with the general population offenders.

Safe Prisons Program-The TDCJ program established to prevent and limit the number of offender-on-offender sexual assaults.

Screening criteria- Established criteria that may be applied to regular grievances, to ensure that the offender has used the grievance program responsibly.

Sexual Abuse by offender (008) (Includes contact between the penis and vulva or the penis and anus, including Penetration, however slight; contact between the mouth and penis, vulva, or anus; penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse). which includes sexual assault, sexual fondling, and sexual harassment.

Sexual Abuse by staff (011)- (Includes contact between the penis and the vulva or the penis and anus, including penetration, however slight; contact between the mouth and the penis, vulva, or anus; contact between the mouth and any body part where the staff member, employee, volunteer, contract employee, official visitor, or agency representative has the intent to abuse, arouse, or gratify sexual desire with or without consent of the offender; and any display by a staff member, employee, volunteer, contract employee, official visitor, or agency representative of his or her uncovered genitalia, buttocks, or breast in the presence of an offender).

Sexual Fondling by offender (009) - ALLEGATIONS OF SEXUAL CONTACT BY ANOTHER OFFENDER (Any intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner-thigh or the buttocks of another offender, excluding contact incidental to a physical altercation).

Definitions

Sexual Fondling by staff (012) *ALLEGATIONS OF SEXUAL CONTACT BY STAFF* (Any other intentional contact either directly through the clothing, of or with the genitalia, anus, groin, breast, inner-thigh or the buttocks, that is unrelated to official duties or where the staff member, employee, volunteer, contract employee, official visitor, or agency representative has the intent to abuse, arouse, or gratify sexual desire).

Sexual Harassment by offender (010)- (Unwelcome sexual advances, requests for sexual favors or Verbal comments, gestures or actions of a derogatory or offensive sexual nature by on one offender directed toward another offender.

Sexual Harassment by staff (013)- *(ALLEGATIONS OF STAFF SEXUAL HARASSMENT / NON CONTACT SEXUAL ABUSE* *(Sexual Harassment includes-Verbal statements, comments of a sexual nature; demeaning references to gender, derogatory comments about body or clothing; or gestures to an offender. Non-Contact Sexual Abuse is- any attempt, threat, or request to engage in sexual abuse or sexual contact, by a staff member, employee, volunteer, contract employee, official visitor, or agency representative)*

Signature Authority- Step 1 – Warden, Asst. Warden, Health Services Administrator, Unit Practice Manager, Director of Nursing or Nurse Administrator, as appropriate.

Step 1 grievance- An I-127 form designed for an offender to file the first step of the grievance process.

Step 2 grievance- An I-128 form designed for an offender to file the last step of the grievance process.

Third Party – a fellow offender or non-incarcerated person -staff members, family members, attorneys, and outside advocates.

Third Party Grievance- Is a written allegation of sexual abuse, sexual assault, sexual contact or sexual harassment submitted by a third party on behalf of an offender.

Voyeurism by staff (005)- *(An invasion of privacy of an offender, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an offender who is using a toilet in his or her cell to perform bodily functions; requiring an offender to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an offender's naked body or of an offender performing bodily functions).* **(Send to OIG if evidence supports allegations).**

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Records Disposition Log

When the Texas Department of Criminal Justice has retained records for the period specified in the TDCJ *Records Retention Schedule*, the records shall be prepared for final disposition, which will either be the destruction of the records or their transfer to the state archivist for review and archiving. Provide the required information in the table below for each record series. Return original to:

TDCJ Records Management Officer
Executive Services

U.S. Mail:
P.O. Box 99
Huntsville, TX 77342-0099

Truck Mail:
TDCJ Headquarters Complex
Huntsville

Agency Item No.	Record Series Title	Retention Period	Date Range of Records (detailed description not required)	Disposition	Signature Authorizing Disposition	Disposition Date

Signature of Person Performing Disposition

Unit/Division/Department Name

Signature of Warden/Division Director/Department Head or designee

()
Phone

Date Submitted

DEFENDANTS' DISCLOSURE - 0473



**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
OFFENDER GRIEVANCE
STAFF USE OF SLURS OR HOSTILE EPITHETS
Referral Form**

(Location: Unit, Regional Office, or Central Grievance Office [CGO])

Instructions: A referral regarding allegations of staff Use of Slurs/Hostile Epithets (PD-22, 14b.) may be identified at any time during an offender grievance investigation. When it is determined that a referral is required, Offender Grievance investigators shall inform the warden; complete this notification form; acquire a signature; and fax a copy of the grievance and staff statements to the Employee Relations Intake Department in Huntsville for TDCJ employees, or the appropriate department for contract employees at the number listed below (*treatment program contract employees are also referred to the Private Facility Contract Monitoring and Oversight Division (PFCMOD)*).

Human Resources information regarding employees is confidential; therefore, this form will serve as notice that a referral was made as required by policy. The information listed below regarding the referral is the only documentation that is to be included with an offender grievance.

Offender: _____ TDCJ #: _____ Grievance #: _____
Print Name

Information regarding the possible use of racial slurs and/or hostile epithets by staff is contained within the above listed offender grievance form. The information was referred on _____ to:

Date _____

(Check the applicable box)

Telephone

Fax

- | | | | |
|--------------------------|--|--------------|--------------|
| <input type="checkbox"/> | Employee Relations Intake Department – TDCJ Employees | 936-437-4240 | 936-437-3105 |
| <input type="checkbox"/> | PFCMOD Headquarters Office – PF Employees | 936-437-7172 | 936-437-2873 |
| <input type="checkbox"/> | Rehabilitation Programs – Treatment Employees (e.g., SATP) | 936-437-7172 | 936-437-2873 |
| <input type="checkbox"/> | Office of Professional Standards – UTMB/Texas Tech Employees | 936-437-3533 | 936-437-3659 |
| <input type="checkbox"/> | Windham School District General Counsel – WSD Employees | 936-291-5304 | 936-437-3105 |

Warden or Designee, Regional or CGO Printed Name

Warden or Designee, Regional Staff or CGO Signature



**NEW EMPLOYEE TRAINING VERIFICATION
ADMINISTRATIVE REVIEW & RISK MANAGEMENT
OFFENDER GRIEVANCE**

Instructions: Complete this form at the conclusion of initial training for each new employee in Unit Grievance Offices, Regional Grievance Offices and the Central Grievance Office. Training is required within 30 days of each employee's selection date. For those employees required to attend the Training Academy, provide the dates of attendance, mark N/A if the employee was not required to attend. Training is then required within 30 days from the date the employee reported to the grievance office. Staff may be required to take accrued time after the conclusion of the academy. Unit grievance staff will forward the original completed form to the Regional Grievance Supervisor who will maintain the form in a file. The Regional Grievance Supervisor will submit a copy to the Central Grievance Office by the fifth of each month for those employees whose training has been completed.

Position Selection Date:

Training Academy Dates:

Position Report Date:

Training Date(s)

Training Instructor(s)

I _____ have received training regarding the
Print Name

- Offender Grievance Operations Manual (OGOM)
- GR00 Tracking System
- TDCJ Mainframe

Signature

Date

Position Title

Unit



**ADMINISTRATIVE REVIEW & RISK MANAGEMENT
OFFENDER GRIEVANCE OPERATIONS MANUAL REVIEW**

EMPLOYEE VERIFICATION

I _____ have read the *Offender Grievance Operations*
Print Name

Manual (OGOM) and understand the procedures for processing grievances and entering data into the GR00 Case Tracking System.

Signature

Date

Position Title

Unit

Third Party Grievance # _____
 Grievance # _____
 Issue Code _____

Third Party Preliminary Investigation

An allegation has been made on your behalf, indicating that you may be a victim of sexual assault, sexual abuse, sexual contact, or sexual harassment.

Indicate in the space below the action you wish the agency to pursue.

Yes _____ I agree to have the request investigated on my behalf.

No _____ I do not agree to the request filed on my behalf.

If yes, you will be provided an I-127, grievance form with instructions on how to write and submit grievances and the investigation will begin immediately to ensure your safety.

Sign and date the form in front of two staff witnesses.

_____ Offender Signature & TDCJ #	_____ Offender Printed Name	_____ Date
_____ Witness Signature	_____ Witness Printed Name	_____ Date
_____ Witness Signature	_____ Witness Printed Name	_____ Date

Note: If an interpreter is needed, one of the witnesses must be a certified interpreter.

RESOLUTION CODES

A resolution code is a code assigned to grievances that describes the specific action taken to address an offender's problem. Central Grievance Office has developed additional codes to further identify information regarding the resolution of offender grievances. Resolution codes describe what action was taken to resolve grievances and shall be used in conjunction with outcome codes. The numeric resolution code shall correspond with the appropriate alphabetic outcome code.

C Administratively Closed

1.00 Administratively Closed

D No Corrective Action Required

2.01 Agency Policy/Rules/Regulations/Procedures appropriately applied

2.02 Claims not supported by evidence

2.03 Grievance previously addressed

2.04 Not satisfied with property settlement offer

2.05 Agency program access appropriate

H Unprocessed Returned to Offender for correction

3.00 Unprocessed returned to offender for correction

O Referred to Employee Relations

4.00 Referred to Employee Relations

R Corrective Action Taken

5.01 Unit transfer/housing change/job change/custody change

5.02 Administrative action taken

5.03 Policy/procedure/rules/practice changed

5.04 Religious services provided/corrected/implemented

5.05 Individual Treatment Program provided

5.06 Records correction

5.07 Mailroom services provided

5.08 Offender telephone system access provided

5.09 Disciplinary overturned/modified

5.10 Inmate Trust Fund account reimbursed/credited/commissary services provided

5.11 General cleaning/sanitation provided

RESOLUTION CODES

- 5.12** Meal plan/Medical diets provided/implemented
- 5.13** Clothing/necessities provided
- 5.14** General maintenance repair/work order
- 5.15** Major maintenance repair/request (for items > \$10,000)
- 5.16** Building activities resumed/restored
- 5.17** Property returned/replaced/settlement provided
- 5.18** Medical service access provided
- 5.19** Medical co-pay reimbursement
- 5.20** Medication access provided
- 5.21** Medical restriction provided
- 5.22** Medical records corrected
- 5.23** Access to Courts/indigent/ services provided

T Referred to the Office of the Inspector General

- 6.00** Referred to the Office of the Inspector General

U Reported Use of Force

- 7.00** Reported Use of Force

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

OFFENDER GRIEVANCE PROGRAM

NOTICE

All documentation that follows this sheet is restricted and confidential and is not to be released without the authorization of the administrator of offender grievances.

RESTRICTED AND CONFIDENTIAL